

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION RYAN KLAASSEN, JAIME CARINI, D.J.B., by and through his next friend and father, DANIEL G. BAUMGARTNER, ASHLEE MORRIS, SETH CROWDER, MACEY POLICKA, MARGARET ROTH, and NATALIE SPERAZZA, Plaintiffs, vs. Case No. 1:21-cv-00238 THE TRUSTEES OF INDIANA UNIVERSITY, Defendant.</p> <p>REMOTE ORAL DEPOSITION OF JAIME CARINI TAKEN ON BEHALF OF THE DEFENDANT ON JUNE 1, 2021, BEGINNING AT 1:02 P.M. CST</p> <p>APPEARANCES</p> <p>On behalf of the PLAINTIFFS:</p> <p>Ms. Melena S. Siebert, Esq. THE BOPP LAW FIRM 1 South 6th Street Terre Haute, Indiana 47807 (812) 232-2434 msiebert@bopplaw.com</p> <p>On behalf of the DEFENDANT:</p> <p>Ms. Stephanie Gutwein, Esq. FAEGRE, DRINKER, BIDDLE & REATH 300 North Meridian Street, Suite 2500 Indianapolis, Indiana 46204 (317) 237-0300 stephanie.gutwein@faegredrinker.com</p> <p>REPORTED BY: D. Luke Epps, CSR, RPR</p>	<p style="text-align: right;">Page 2</p> <p>1 INDEX</p> <p>2 Page</p> <p>3 Direct Examination by Ms. Gutwein 4</p> <p>4 Cross-Examination by Ms. Siebert 88</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 Exhibit Description Page</p> <p>8 1 Verification of Jaime Carini 36</p> <p>9 2 Verified Complaint for Declaratory 58 and Injunctive Relief</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 STIPULATIONS</p> <p>2 It is hereby stipulated and agreed by and</p> <p>3 between the parties hereto, through their respective</p> <p>4 attorneys, that the remote oral deposition of Jaime</p> <p>5 Carini may be taken pursuant to notice and in</p> <p>6 accordance with the Federal Rules of Civil Procedure</p> <p>7 on June 1, 2021, before D. Luke Epps, CSR, RPR.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 THE REPORTER: All parties to this</p> <p>2 deposition are appearing remotely and have agreed to</p> <p>3 the witness being sworn in remotely. Due to the</p> <p>4 nature of remote reporting, please pause briefly</p> <p>5 before speaking to ensure all parties are heard</p> <p>6 completely. Counsel, please state your appearance.</p> <p>7 MS. SIEBERT: My name is Melena Siebert.</p> <p>8 I'm counsel for plaintiff, Jaime Carini.</p> <p>9 MS. GUTWEIN: Stephanie Gutwein, counsel</p> <p>10 for Indiana University.</p> <p>11 (Oath administered.)</p> <p>12 WHEREUPON,</p> <p>13 JAIME CARINI,</p> <p>14 after having been first duly sworn, deposes and</p> <p>15 says in reply to the questions propounded as</p> <p>16 follows, to-wit:</p> <p>17 DIRECT EXAMINATION</p> <p>18 BY MS. GUTWEIN:</p> <p>19 Q Okay. Thanks again for being here, Jaime.</p> <p>20 You just -- I introduced myself a minute ago, but</p> <p>21 I'll just do it again on the record. I'm Stephanie</p> <p>22 Gutwein, and I'm here as a lawyer for Indiana</p> <p>23 University, and I'm just going to add a couple of</p> <p>24 procedural things into the record before we get</p> <p>25 started. So the parties have agreed that you could</p>

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<p style="text-align: right;">Page 5</p> <p>1 be sworn in remotely, which you just were, and</p> <p>2 because we're doing this deposition virtually, if</p> <p>3 there are any technical issues, we've agreed that</p> <p>4 we'll, you know, pause the deposition and try to</p> <p>5 resolve those. So if at any point, you know, you</p> <p>6 can't hear me or I freeze or you freeze or your</p> <p>7 counsel freezes or anything like that, type</p> <p>8 something into the chat or, you know, try to get in</p> <p>9 touch with your lawyer and we'll make sure to pause</p> <p>10 so we can fix it; okay?</p> <p>11 A Sounds great.</p> <p>12 Q I know that you mentioned that it's a semi</p> <p>13 private space. Do you have other people in the room</p> <p>14 with you right now?</p> <p>15 A No. There are no other people in the</p> <p>16 room.</p> <p>17 Q Okay. If at some point during the</p> <p>18 deposition someone else comes into the room, will</p> <p>19 you please let me know?</p> <p>20 A Yes. They should -- yeah, again,</p> <p>21 they're -- they're not going to be coming in and</p> <p>22 bothering me, but I will let you know.</p> <p>23 Q Thank you.</p> <p>24 A I have earbuds in so they cannot hear your</p> <p>25 questions.</p>	<p style="text-align: right;">Page 6</p> <p>1 Q Okay. Have you ever given a deposition</p> <p>2 before?</p> <p>3 A Yes.</p> <p>4 Q How many times?</p> <p>5 A Once.</p> <p>6 Q And what did that relate to?</p> <p>7 A Do I have to answer this question? Does</p> <p>8 it relate -- okay. All right. I'm sorry. Not to</p> <p>9 be --</p> <p>10 MS. SIEBERT: No. That's okay, Jaime.</p> <p>11 Just -- and I'll cover this just procedurally. You</p> <p>12 know, if -- if there's an objection, I'll make it,</p> <p>13 and -- but even with an objection, unless I instruct</p> <p>14 you not to answer, please just go ahead and answer.</p> <p>15 So there's no objection to this question just for</p> <p>16 the record.</p> <p>17 THE WITNESS: Okay. Thank you for the</p> <p>18 reminder. Yes, and it was pertaining to a car</p> <p>19 accident.</p> <p>20 Q (BY MS. GUTWEIN) Okay. How long ago was</p> <p>21 that?</p> <p>22 A The deposition or the car accident?</p> <p>23 Q Sorry. Thank you for asking me to</p> <p>24 clarify. The deposition. How long ago was the</p> <p>25 deposition?</p>
<p style="text-align: right;">Page 7</p> <p>1 A I -- I can -- I can give you a round</p> <p>2 estimate.</p> <p>3 Q That's just fine.</p> <p>4 A Because I don't remember. Okay. A round</p> <p>5 estimate, it was 20 -- it was after 2016. It was</p> <p>6 between -- because that's -- it was after 20 -- it</p> <p>7 was sometime in 2018 or 2019. I think it was</p> <p>8 probably 2018.</p> <p>9 Q Okay. And is that the only deposition</p> <p>10 you've ever participated in?</p> <p>11 A Yes.</p> <p>12 Q Besides today?</p> <p>13 A Yes.</p> <p>14 Q Okay. With a little bit of experience,</p> <p>15 you might have a little bit of an idea of what to</p> <p>16 expect today, but I'm going to go over the process</p> <p>17 just a little bit. I'm going to ask you some</p> <p>18 questions today, and I'm just looking for your</p> <p>19 truthful answers. This is not a test, so there's no</p> <p>20 right or wrong answers as long as you're being</p> <p>21 honest. As your lawyer just explained to you, you</p> <p>22 might hear some objections, and that's okay. You</p> <p>23 should still answer unless she instructs you not to.</p> <p>24 You understand that you just gave an oath to testify</p> <p>25 truthfully to the best of your ability; is that</p>	<p style="text-align: right;">Page 8</p> <p>1 right?</p> <p>2 A Yes.</p> <p>3 Q And is there any reason you can think of</p> <p>4 that you wouldn't be able to do that today?</p> <p>5 A No.</p> <p>6 Q Do you have any notes or documents with</p> <p>7 you?</p> <p>8 A No.</p> <p>9 Q If you make any notes or pull out any</p> <p>10 documents during the deposition, will you let me</p> <p>11 know?</p> <p>12 A Yes.</p> <p>13 Q Thank you. I am going to ask that while</p> <p>14 we're on the record today, you don't communicate</p> <p>15 with anybody, you know, texting or emailing or</p> <p>16 anything like that; is that okay?</p> <p>17 A Yes.</p> <p>18 Q Okay. If you need to talk to your lawyer</p> <p>19 at some point, just let me know, and we can take a</p> <p>20 break so you can do that. I'll just ask that you</p> <p>21 answer whatever question is pending before we take a</p> <p>22 break.</p> <p>23 A Okay.</p> <p>24 Q Okay.</p> <p>25 A Thanks.</p>

<p style="text-align: right;">Page 9</p> <p>1 Q If at any point you don't understand my 2 question today, will you please let me know so that 3 I can rephrase or clarify? 4 A Yes. 5 Q Thank you. If you answer my question, I'm 6 going to under -- I'm going to take it that you 7 understood my question. Is that an okay approach? 8 A Yes. 9 Q Okay. The other thing that I've noticed 10 is, you've been doing some head nods, and that is 11 perfectly fine and totally a natural human tendency. 12 Luke is only able to take down what we say out loud, 13 so we just need to make sure that in addition to any 14 gestures, you're vocalizing your answers; okay? 15 A Okay. 16 Q And I'll try to help you and so will your 17 lawyer. It's so natural not to say everything out 18 loud. So ... 19 A All right. 20 Q Are you comfortable with my calling you 21 Jaime today during the deposition or would you like 22 me to refer to you some other way? 23 A Jaime is fine as long as we're all on a 24 first name basis. 25 Q Okay. Yes. You're welcome to call me</p>	<p style="text-align: right;">Page 10</p> <p>1 Stephanie. That's just fine also. 2 A All right. Thank you. 3 Q Uh-huh. And then I might at different 4 points during the deposition refer to Indiana 5 University as IU. Is that okay with you? 6 A Yes. 7 Q Okay. Can you please state your full name 8 for the record? 9 A Yes. My name is Jaime Carini. 10 Q And how old are you, Jaime? 11 A I am 39 years old. 12 Q Okay. Are you aware that there are other 13 co-plaintiffs who are litigating this lawsuit with 14 you? 15 A Yes, I am. 16 Q Have you met any of those other 17 individuals? 18 A No, not in person. May I -- Melena, 19 should I answer? May I consult with my attorney for 20 just a moment? 21 Q Well, give me whatever your answer is so I 22 can clarify my question. Have you met any of those 23 individuals in person? 24 A No. 25 Q Have you spoken to those individuals --</p>
<p style="text-align: right;">Page 11</p> <p>1 did you speak to any of those individuals before the 2 lawsuit was filed? 3 A No. 4 Q Have you spoken to them since? 5 A Yes. 6 Q Okay. And I'm not going to ask you about 7 the substance of your conversations, so ... 8 A Okay. 9 Q So do you know that other of those 10 co-plaintiffs were deposed in this lawsuit? 11 A Yes. 12 Q Have you talked to anyone about those 13 depositions? 14 A No. 15 Q Have you seen any transcripts of those 16 depositions? 17 A No. 18 Q So do you know -- other than that they 19 occurred, do you know anything about those 20 depositions? 21 A No. 22 Q Okay. How did you come to learn about 23 this lawsuit? 24 A I learned about it in -- in a park in 25 Bloomington. Someone was passing out flyers</p>	<p style="text-align: right;">Page 12</p> <p>1 actually about the rally, and, yes, about a rally, 2 and she told me about the lawsuit, too. 3 Q What rally are you referring to? 4 A I don't remember the exact name. It was 5 sponsored by IU Family for Choice, not Mandates. 6 That's the approximate title. 7 Q Okay. And I think I understood you to say 8 the woman who you received the flyer from also told 9 you about this lawsuit? 10 A Yes. 11 Q What did she tell you about it? 12 A I don't remember exactly, to be honest. 13 Q Can you give me a general idea of what she 14 told you? 15 MS. SIEBERT: I'm going to object for 16 hearsay, but go ahead and answer, Jaime. 17 THE WITNESS: The gist -- I mean, like I 18 said, I don't remember specifically. The gist was 19 that there were families who were resisting the 20 mandates, and -- and I wanted -- yes. That's all. 21 Q (BY MS. GUTWEIN) Okay. And so what did 22 you do after she told you about the lawsuit? 23 A I looked into -- she did tell me that -- 24 well, I looked into it. I researched what they -- 25 what exactly they were concerned about and to see if</p>

<p style="text-align: right;">Page 13</p> <p>1 their concerns aligned with mine.</p> <p>2 Q When you say, "they," you said they were</p> <p>3 concerned about. Who is the "they" that you're</p> <p>4 referring to?</p> <p>5 A The organization, IU Family for Choice,</p> <p>6 not Mandates.</p> <p>7 Q Okay. So you looked the organization up</p> <p>8 online?</p> <p>9 A Yes.</p> <p>10 Q And you read about what their concerns</p> <p>11 were in connection with IU?</p> <p>12 A I don't remember what they had available</p> <p>13 at that time. Yeah. I -- I learned -- yeah. I --</p> <p>14 I -- I think I'll -- I'll leave my question -- my</p> <p>15 answer there, or can you restate your question,</p> <p>16 please?</p> <p>17 Q Sure. You testified that you researched</p> <p>18 what the organization was concerned about to see if</p> <p>19 their concerns aligned with yours. So I guess what</p> <p>20 I'm interested in is how did you conduct your</p> <p>21 research?</p> <p>22 A How did I conduct -- they had -- well,</p> <p>23 I -- now I'm thinking I answered in the affirmative</p> <p>24 to something I don't remember for sure, and I -- I</p> <p>25 feel -- I didn't -- was not trying to be</p>	<p style="text-align: right;">Page 14</p> <p>1 intentionally leading anyone on. I remember I</p> <p>2 looked up the woman and what her position was to see</p> <p>3 if she was consistent with what she was telling me</p> <p>4 and what she had talked about, and then -- I know</p> <p>5 what I did. I called -- I called Jim Bopp's law</p> <p>6 firm, and that's how I found more about -- about the</p> <p>7 suit. That's what I did. Is it okay to correct my</p> <p>8 earlier statements?</p> <p>9 Q Sure. Yes.</p> <p>10 A Okay.</p> <p>11 Q Again, this is not a quiz. It's just to</p> <p>12 get information. So if at some point today you said</p> <p>13 something and then you realized later that you, you</p> <p>14 know, you thought of something else, you just need</p> <p>15 to let me know.</p> <p>16 A Okay. Yeah. Sorry. It's amazing how</p> <p>17 quickly memories fade.</p> <p>18 Q When was that timing when you received the</p> <p>19 flyer?</p> <p>20 A The flyer was Memorial Day.</p> <p>21 Q Okay. Do you remember when you contacted</p> <p>22 Jim's law firm?</p> <p>23 A Not precisely.</p> <p>24 Q Was it soon after you received the flyer</p> <p>25 or a little while?</p>
<p style="text-align: right;">Page 15</p> <p>1 A Goodness. The only way I would know is to</p> <p>2 look through my email.</p> <p>3 Q Okay. You don't need to do that right</p> <p>4 now, of course.</p> <p>5 A Okay.</p> <p>6 Q Do you remember the name of the woman who</p> <p>7 gave you a flyer?</p> <p>8 A I do. Her name is Margaret Menge, or</p> <p>9 M-E-N-G-E. I'm not sure how she pronounces it.</p> <p>10 Q Okay. And so you looked her up and then</p> <p>11 through her you found Jim's law firm?</p> <p>12 A She told me about Jim's law firm, yes.</p> <p>13 Yes.</p> <p>14 Q Okay.</p> <p>15 A Yeah. So I looked her up. I remember</p> <p>16 that for sure, and I called -- and then I did not</p> <p>17 reach out to Jim's law firm right away, but I -- but</p> <p>18 she's the one who told me about him. So she was,</p> <p>19 you know, my -- not necessarily a contact, but --</p> <p>20 but, yes, she knew about the suit and about who was</p> <p>21 filing it.</p> <p>22 Q Okay. I want to talk just a little bit</p> <p>23 about you and your education at IU.</p> <p>24 A Uh-huh.</p> <p>25 Q I understand that you are in the middle of</p>	<p style="text-align: right;">Page 16</p> <p>1 pursuing two doctorates at IU; is that right?</p> <p>2 A Yes.</p> <p>3 Q And one is a doctorate in music and one is</p> <p>4 a Ph.D. -- excuse me, music and literature, and one</p> <p>5 is a Ph.D. in musicology?</p> <p>6 A I'd like to make a correction.</p> <p>7 Q Sure.</p> <p>8 A Organ performance and literature.</p> <p>9 Q Okay. Is the doctorate in music?</p> <p>10 A Yes. Doctor of music in organ performance</p> <p>11 and literature.</p> <p>12 Q Okay. And then the Ph.D. is in</p> <p>13 musicology?</p> <p>14 A Yes.</p> <p>15 Q And when did you start -- did you start</p> <p>16 those programs simultaneously?</p> <p>17 A No.</p> <p>18 Q So can you tell me when you started the</p> <p>19 doctorate in music?</p> <p>20 A Yes. I started the doctorate of music in</p> <p>21 August 2014.</p> <p>22 Q Okay. And have you been pursuing that at</p> <p>23 IU the entire time?</p> <p>24 A Yes.</p> <p>25 Q Has it been something that --</p>

<p style="text-align: right;">Page 17</p> <p>1 A Actually may I ask for a clarification --</p> <p>2 Q Sure.</p> <p>3 A -- by "entire time"? Do you mean, like,</p> <p>4 am I -- yes.</p> <p>5 Q So I'll ask that two different ways. One</p> <p>6 is, have you worked on that doctorate at any other</p> <p>7 institution besides IU?</p> <p>8 A No.</p> <p>9 Q Okay. And have you been working on that</p> <p>10 doctorate consistently since 2014?</p> <p>11 A Yes.</p> <p>12 Q Has there -- has there been any time</p> <p>13 period where you've, you know, taken a break or -- I</p> <p>14 guess -- I'm not super familiar with how that</p> <p>15 doctorate program works, so is that something that,</p> <p>16 you know, it's just -- you work on it over the</p> <p>17 period of several years or have you taken time off</p> <p>18 from that and returned to it?</p> <p>19 A I did take time off.</p> <p>20 Q When did you do that?</p> <p>21 A From 2018 -- from the summer of 2018 to</p> <p>22 January of 2020.</p> <p>23 Q Okay. Why did you take that time off?</p> <p>24 A I was not well, so it was a medical leave.</p> <p>25 Q Okay. Was that something that I -- you</p>	<p style="text-align: right;">Page 18</p> <p>1 worked with IU to arrange that medical leave?</p> <p>2 A Well, yes. There's two -- there's a</p> <p>3 two-part answer. One is yes on the funding side of</p> <p>4 it. The way our -- we have contracts with the</p> <p>5 university for funding for a certain number of</p> <p>6 years. So, yes, on that I had to work with them,</p> <p>7 but on the other -- another aspect of the degree</p> <p>8 program is that as long as you finish your</p> <p>9 coursework within a seven-year period, you don't</p> <p>10 have to come. Like, you can take a semester off if</p> <p>11 you want to, and it's not a big deal. And I --</p> <p>12 yeah. That's -- so it's a two-piece question, and</p> <p>13 because I had funding, both of those applied to me.</p> <p>14 Q Okay. When you said you have to finish it</p> <p>15 in a seven-year period --</p> <p>16 A Uh-huh.</p> <p>17 Q -- if I do seven years from 2014, that</p> <p>18 gets me, I think, to 2021. So does that mean you're</p> <p>19 close to finishing or does that leave give you</p> <p>20 additional time to finish?</p> <p>21 A No. The leave -- so when I finish -- I</p> <p>22 hope I said coursework. I meant -- that was --</p> <p>23 Q Okay.</p> <p>24 A -- an important part of my answer. We</p> <p>25 have several timelines within our degree program.</p>
<p style="text-align: right;">Page 19</p> <p>1 So -- so -- so seven years is just to finish the</p> <p>2 coursework part of that degree program. Remind me</p> <p>3 what the other part of your question was, please.</p> <p>4 Q Well, so what parts of your degree program</p> <p>5 are there besides coursework?</p> <p>6 A There's coursework, and there's exams, and</p> <p>7 then there's dissertation.</p> <p>8 Q And so how much -- much work left do you</p> <p>9 have on the coursework piece of it?</p> <p>10 A I am finished with coursework.</p> <p>11 Q Okay. And then you have -- do you have</p> <p>12 exams that remain?</p> <p>13 A Yes.</p> <p>14 Q And what are those?</p> <p>15 A I have two exams. One in organ</p> <p>16 performance and the other for musicology. They're</p> <p>17 both -- they're both called major field exams.</p> <p>18 Q And what -- tell me about what the process</p> <p>19 of those exams is like.</p> <p>20 A The exam itself is an eight-hour written</p> <p>21 exam, so you prepare for it for months, and then you</p> <p>22 go in a room by yourself and you write for eight</p> <p>23 hours, and that's -- and then you're graded on it on</p> <p>24 a -- I think it's pass or fail. That part, I don't</p> <p>25 remember so much, but, yeah.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q Okay. So you have two exams that you have</p> <p>2 to take is what I understood you to say that you</p> <p>3 haven't taken yet?</p> <p>4 A Right.</p> <p>5 Q When -- are you scheduled -- let me strike</p> <p>6 that. Do you know when you might be taking these</p> <p>7 exams?</p> <p>8 A I only have a general -- a general</p> <p>9 timeline.</p> <p>10 Q What's that?</p> <p>11 A Within the next academic year.</p> <p>12 Q Okay. And you ultimately --</p> <p>13 A I can tell you -- I can tell you</p> <p>14 specifically. I took a minor field exam yesterday,</p> <p>15 and that starts the exam timeline, which is one</p> <p>16 year. So I have a year between yesterday -- I have</p> <p>17 364 days to finish my other two exams.</p> <p>18 Q Okay. That's nice you got it started.</p> <p>19 A Yeah.</p> <p>20 Q What was the process of taking your minor</p> <p>21 field exam yesterday?</p> <p>22 A It's similar to the major field exams,</p> <p>23 except instead of writing for eight hours, I wrote</p> <p>24 for four hours.</p> <p>25 Q Where did you go to take that exam?</p>

<p style="text-align: right;">Page 21</p> <p>1 A They're letting us take the exams</p> <p>2 virtually right now.</p> <p>3 Q Are you able to take -- I'm sorry. Go</p> <p>4 ahead.</p> <p>5 A Go ahead. No, I'm good.</p> <p>6 Q So is it -- is it your -- is it accurate,</p> <p>7 then, that you didn't have to go anywhere in</p> <p>8 particular to take it? You could take it from</p> <p>9 wherever you wanted?</p> <p>10 A Yes.</p> <p>11 Q Okay. Are you -- do you have the option</p> <p>12 to take either of the major exams that you described</p> <p>13 virtually?</p> <p>14 A I don't remember. We're in the middle of</p> <p>15 policy changes again in the school of music, so I</p> <p>16 would have to check on those for the fall and the</p> <p>17 spring semesters.</p> <p>18 Q If you had wanted to take the major exams</p> <p>19 sooner, could you take them whenever you wanted?</p> <p>20 A Can you rephrase the question?</p> <p>21 Q Sure. Are you able to pick the day when</p> <p>22 you take your major exams?</p> <p>23 A Yes.</p> <p>24 Q Could you have taken them before today if</p> <p>25 you had wanted to?</p>	<p style="text-align: right;">Page 22</p> <p>1 A No. Not -- no, not -- one of them, no.</p> <p>2 Not one of them. One of them is contingent on my</p> <p>3 completing my next organ recital.</p> <p>4 Q And when is that?</p> <p>5 A This fall, early fall.</p> <p>6 Q Is that something that IU scheduled for</p> <p>7 the fall or is that something that you scheduled for</p> <p>8 the fall?</p> <p>9 A I'm going to wrap this answer to answer</p> <p>10 your question about scheduling exams and recitals.</p> <p>11 These recitals and exams are scheduled in</p> <p>12 consultation with my professors and my committee</p> <p>13 members. So they only let it -- we all agree -- I</p> <p>14 have a say, too. We all determine on a date when I</p> <p>15 can do my absolute best.</p> <p>16 Q Okay. The recital that you were just</p> <p>17 describing --</p> <p>18 A Yes.</p> <p>19 Q -- that's coming up, is that something</p> <p>20 that you all have to do in person or could you do that</p> <p>21 virtually?</p> <p>22 A That will have to be done in person.</p> <p>23 Q During the pandemic before, did you have</p> <p>24 any recitals?</p> <p>25 A No, I did not.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q Do you like the recitals?</p> <p>2 A I do now. I do now.</p> <p>3 Q Yeah. Okay. So those major --</p> <p>4 A It's a performance like -- it's like a --</p> <p>5 it's a performance, like being in a courtroom in</p> <p>6 front of a judge.</p> <p>7 Q Pressure. Fun pressure?</p> <p>8 A Uh-huh.</p> <p>9 Q Besides the two major exams that you</p> <p>10 described and the organ recital, I think, right, are</p> <p>11 there other -- you said, then, I think the</p> <p>12 dissertation was the other requirement for your --</p> <p>13 to complete your doctorate in music; is that right?</p> <p>14 A Yes.</p> <p>15 Q And what's the timeline for that?</p> <p>16 A We have up to seven years.</p> <p>17 Q Seven years from when?</p> <p>18 A Seven years from June 30th, 2022.</p> <p>19 Q Okay.</p> <p>20 A Or, no. Let me rephrase that. Seven</p> <p>21 years from the date I finish my last oral exam.</p> <p>22 Q Your last --</p> <p>23 A It could be -- yes. So our major field</p> <p>24 exams are two parts, they're written and oral. I'm</p> <p>25 sorry. I forgot that part.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q You're fine.</p> <p>2 A Yeah.</p> <p>3 Q Okay.</p> <p>4 A So -- and the oral exams come close on the</p> <p>5 heels of the major field exam, or of the written</p> <p>6 part, yeah.</p> <p>7 Q Okay. And then once you've completed your</p> <p>8 major exams is when the timeline for your</p> <p>9 dissertation starts?</p> <p>10 A Yes.</p> <p>11 Q Okay. So to complete your doctorate in</p> <p>12 music, you have two major exams, both written and</p> <p>13 oral left, the components of those. You have your</p> <p>14 organ recital, and then after that you'll have to</p> <p>15 turn to your dissertation; is that right?</p> <p>16 A Yes. Hold on a sec. Sorry. I just put</p> <p>17 my phone in airplane mode.</p> <p>18 Q It's okay.</p> <p>19 A There we go. I have -- just for</p> <p>20 clarification, I do have two recitals.</p> <p>21 Q Okay.</p> <p>22 A Yeah. So my plan is to do one in the fall</p> <p>23 and the next one in the spring.</p> <p>24 Q So two required recitals is what you mean?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 25</p> <p>1 Q Is there any -- are there any other</p> <p>2 requirements to complete -- not -- not to minimize</p> <p>3 those, they're big obviously, but besides the</p> <p>4 requirements that we've talked about, are there any</p> <p>5 other requirements to complete your doctorate in</p> <p>6 music?</p> <p>7 A Not that I know of.</p> <p>8 Q Okay. Turning to your Ph.D., when did you</p> <p>9 start that program?</p> <p>10 A I started that program in the fall -- in</p> <p>11 August 2016.</p> <p>12 Q Okay. And what is the nature of the work</p> <p>13 that that program entails?</p> <p>14 A Can you rephrase?</p> <p>15 Q Sure. So Ph.D. programs are another thing</p> <p>16 that I'm not super familiar with. So for that</p> <p>17 program, do you attend classes? Do you teach?</p> <p>18 What -- what are the requirements of that program to</p> <p>19 complete it?</p> <p>20 A Yes. Attending classes is important.</p> <p>21 Taking -- taking the exams that we've talked about</p> <p>22 is -- is a requirement, and writing a dissertation</p> <p>23 is a requirement of that, and we do teach as well as</p> <p>24 part of our program. The teaching is not required,</p> <p>25 but it's an important opportunity for all of us, for</p>	<p style="text-align: right;">Page 26</p> <p>1 all of us there.</p> <p>2 Q Okay. Have you been pursuing your</p> <p>3 Ph.D. since 2016 only at Indiana University or was</p> <p>4 there a time that you worked on part of that at a</p> <p>5 different institution?</p> <p>6 A No. I've only worked on it at Indiana</p> <p>7 University.</p> <p>8 Q Have you been pursuing it with --</p> <p>9 consistently with no breaks since 2016 or did you</p> <p>10 also take a break from your Ph.D. program?</p> <p>11 A Sorry. Can you rephrase the question</p> <p>12 again?</p> <p>13 Q Sure.</p> <p>14 A I know what you're asking, but I'm not</p> <p>15 sure how to -- how to phrase my answer.</p> <p>16 Q I'm just trying to understand, for your</p> <p>17 doctorate program, I think you said you took -- took</p> <p>18 some time -- took leave, medical leave, starting in</p> <p>19 2018?</p> <p>20 A Uh-huh.</p> <p>21 Q And so I'm trying to understand whether</p> <p>22 there was any point in pursuing your Ph.D. that you</p> <p>23 took leave or a break from that program or whether</p> <p>24 you have been, you know, consistently working</p> <p>25 without any breaks since 2016.</p>
<p style="text-align: right;">Page 27</p> <p>1 A I did not actively work on my Ph.D.,</p> <p>2 meaning I was not formally enrolled in classes, but</p> <p>3 I did have incompletes related to the medical leave</p> <p>4 -- related to the medical issues that prompted the</p> <p>5 medical leave, and so I took that time actually</p> <p>6 working -- while I was recovering, to finish some</p> <p>7 incompletes.</p> <p>8 Q So when you said that you were -- I think</p> <p>9 you said -- did you say, "inactive"? Is that the</p> <p>10 word that you used?</p> <p>11 A Not actively.</p> <p>12 Q Not actively working.</p> <p>13 A Uh-huh.</p> <p>14 Q So is that -- is that another program</p> <p>15 where you have a certain amount of time to complete</p> <p>16 it, and you can sort of choose when you're going to</p> <p>17 be actively working on it?</p> <p>18 A Yes. Yes. This degree, the musicology</p> <p>19 degree, was tied to my doctorate, so the timeline</p> <p>20 for the musicology degree was short -- was shortened</p> <p>21 to five years instead of seven, and that's just for</p> <p>22 completing the coursework part.</p> <p>23 Q Five years from 2016?</p> <p>24 A Uh-huh.</p> <p>25 Q Okay. How much coursework do you have</p>	<p style="text-align: right;">Page 28</p> <p>1 left for your Ph.D.?</p> <p>2 A None. That is all complete.</p> <p>3 Q Okay. Congratulations.</p> <p>4 A Thank you.</p> <p>5 Q So what do you have left to complete as</p> <p>6 requirements for your Ph.D. program?</p> <p>7 A Just to clarify, it's sort of wrapped up</p> <p>8 in what we -- what we talked about before. So at</p> <p>9 this point, I -- it is a double doctorate, and</p> <p>10 because they've tied them together, I think of it as</p> <p>11 a timeline for, like -- and I think that's how</p> <p>12 every -- my professors think of it, too. The -- so</p> <p>13 I'll speak specifically to the Ph.D. portion since I</p> <p>14 spoke to it as a whole before. The Ph.D. portion, I</p> <p>15 have one major field exam, and then I have a</p> <p>16 dissertation to write. This dissertation is the</p> <p>17 same dissertation I spoke of when we talked about</p> <p>18 all of my remaining requirements.</p> <p>19 Q Okay. So when we were talking about the</p> <p>20 two major exams with both the oral and written</p> <p>21 components and the two recitals and the</p> <p>22 dissertation, that -- that -- those requirements</p> <p>23 will allow you to complete both of your pending</p> <p>24 degrees?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 29</p> <p>1 Q Okay. And so besides those requirements, 2 are there any others that you have to satisfy for 3 either of your degrees? 4 A Not that I can think of. 5 Q Okay. For your -- for either of your 6 degrees, so I'll just talk about in general, as part 7 of pursuing these degrees, have you taught any 8 classes? 9 A Yes. 10 Q Tell me about that. What did you teach? 11 A In summer of 2017, I taught a class called 12 M401, which is -- which is undergraduate music 13 history, and -- and that's what we think of as early 14 music history. In summer of 2020, I taught M402, 15 which is also undergraduate music history, and we 16 think of that as more modern, like, romantic to 17 modern, and I need to clarify. When I say, 18 "taught," at this point, I was, like, teaching as an 19 associate instructor. So -- so we have -- yes. So 20 students -- so students have lectures with the 21 instructor of record, and then they'll work with me. 22 We'll have more conversation and dialogue. 23 Q Okay. When you taught in summer 2020 -- 24 A Uh-huh. 25 Q -- did you teach class in person or</p>	<p style="text-align: right;">Page 30</p> <p>1 online? 2 A No. I taught class online. 3 Q How was that experience for you? 4 A It -- it was -- it was fine. It worked 5 out okay. 6 Q Okay. 7 A We were all, you know -- 8 Q Sorry. 9 A We were all -- I mean, everybody was 10 experimenting at that point. 11 Q Sure. Are there any other classes that 12 you've taught as part of your pursuit of these 13 degrees besides the two that we just talked about? 14 A No. 15 Q Okay. This summer, what have you been 16 spending your time doing? 17 A I was -- this -- I've been working towards 18 completing my degree requirements. 19 Q Okay. And when you say working towards 20 that, what is the nature of the work that you've 21 been doing? 22 A Practicing the pipe organ and studying for 23 the exam that I took yesterday. 24 Q Where do you practice? 25 A When I'm in Bloomington, I practice on</p>
<p style="text-align: right;">Page 31</p> <p>1 campus. That's where we have instruments and the -- 2 you know, concert halls. And I'm in Oklahoma at the 3 moment, so I have -- I'm friends with a lot of the 4 church musicians in Tulsa, so I'm practicing -- 5 practicing there. 6 Q At churches in Tulsa? 7 A Uh-huh. 8 Q When's the last time that you were in 9 Bloomington? 10 A One sec. It was June. I've only been -- 11 been here for a few weeks. Let me think real quick. 12 June 11th is when I came back to Oklahoma. 13 Q Are you from Oklahoma? 14 A Yes. 15 Q Okay. So when you say, "came back," 16 your -- your previous home before going to -- 17 A Well, yes. Actually this is my permanent 18 residence still. 19 Q Okay. So when you were in Bloomington in 20 June before you returned to Tulsa, how long had you 21 been in Bloomington? 22 A How long had I been in Bloomington 23 since -- can you rephrase your question? 24 Q Sure. I'm just -- I'm trying to figure 25 out -- you said that you were in Bloomington in</p>	<p style="text-align: right;">Page 32</p> <p>1 June. 2 A Uh-huh. 3 Q When did you get to Bloomington that led 4 to you being in Bloomington in June for that 5 particular time period -- 6 A For that time period? 7 Q -- that you were in June -- that you were 8 in Bloomington? Excuse me. 9 A I was -- I came home in March for -- yeah. 10 I came home in March for, like, a week, a couple of 11 weeks, and then I was in Bloomington since then. 12 Q How often do you go between Oklahoma 13 and -- or Tulsa and Bloomington? 14 A Uh-huh. Roughly speaking, two to three 15 months. 16 Q You'll go two to three months in 17 Bloomington and then return to Tulsa? 18 A Yes. 19 Q And when you return home, how long do you 20 usually stay before you go back to Bloomington? 21 A There -- there is no set time frame that 22 I'm in Tulsa. Some -- some trips are longer. Some 23 are shorter. 24 Q Okay. So is it -- was the last time -- I 25 understand that you went back to Tulsa in March, and</p>

<p style="text-align: right;">Page 33</p> <p>1 then returned to Bloomington after a week, I think</p> <p>2 you said?</p> <p>3 A Yeah. It turned out to be a couple of</p> <p>4 weeks.</p> <p>5 Q Okay. And then you stayed in Bloomington</p> <p>6 through June?</p> <p>7 A Uh-huh.</p> <p>8 Q Before -- for the 2020 to 2021 school</p> <p>9 year, so last school year, did you spend most of</p> <p>10 your time in Bloomington or where -- where were you</p> <p>11 spending your time?</p> <p>12 A I did spend most of my time in</p> <p>13 Bloomington.</p> <p>14 Q And where do you live when you're in</p> <p>15 Bloomington?</p> <p>16 A I live south of campus. I live in my own</p> <p>17 housing.</p> <p>18 Q Like, an off-campus house?</p> <p>19 A Uh-huh.</p> <p>20 Q Okay. Do you live by yourself or do you</p> <p>21 have others that you live with there?</p> <p>22 A I do live by myself.</p> <p>23 Q Nice.</p> <p>24 A Uh-huh.</p> <p>25 Q When you return to and from Bloomington or</p>	<p style="text-align: right;">Page 34</p> <p>1 Tulsa, however you want to think about it, do you</p> <p>2 fly or do you drive or travel some other way?</p> <p>3 A Yeah. It's usually one of the two, fly or</p> <p>4 drive.</p> <p>5 Q Okay.</p> <p>6 A Typically drive.</p> <p>7 Q Okay. Since March of 2020, have you flown</p> <p>8 between Tulsa and Bloomington?</p> <p>9 A No.</p> <p>10 Q So each time you've returned to Tulsa,</p> <p>11 have you -- you've driven?</p> <p>12 A Yes.</p> <p>13 Q How long is that drive?</p> <p>14 A It's about 11 hours.</p> <p>15 Q Yeah. Do you do that by yourself, it</p> <p>16 sounds like?</p> <p>17 A Uh-huh.</p> <p>18 Q That's a long drive.</p> <p>19 A Yeah. You get used to it.</p> <p>20 Q Do you?</p> <p>21 A Yeah.</p> <p>22 Q Do you stop along the way?</p> <p>23 A Yeah. I have my -- you know, I have the</p> <p>24 places that I know I like to stop, and, yeah.</p> <p>25 Q Do you do it all in one day?</p>
<p style="text-align: right;">Page 35</p> <p>1 A Uh-huh.</p> <p>2 Q Yeah. Good for you.</p> <p>3 A 11 hours is the longest. Sometimes I can</p> <p>4 get home in 10 and a half, so, yeah.</p> <p>5 Q Yeah. So that's, like, you need some</p> <p>6 coffee for that.</p> <p>7 A You do, and you don't do it for a weekend.</p> <p>8 Q Yeah. Yes. Right. Okay. When you</p> <p>9 decided to join this lawsuit, did you have an</p> <p>10 opportunity to read the complaint before it was</p> <p>11 filed?</p> <p>12 A No. Oh, wait. I'm sorry. Can you</p> <p>13 rephrase your question?</p> <p>14 Q Sure. So to start the lawsuit, what</p> <p>15 happens is, there's a document filed called a</p> <p>16 complaint.</p> <p>17 A Yes.</p> <p>18 Q And so I'm wondering whether you read that</p> <p>19 before it was filed.</p> <p>20 A Yes, I did.</p> <p>21 Q Okay. And did you read the exhibits to</p> <p>22 that complaint?</p> <p>23 A No. Only the portions pertaining to me.</p> <p>24 Q So the exhibits are documents that are</p> <p>25 attached to the complaint, that would be, like,</p>	<p style="text-align: right;">Page 36</p> <p>1 other documents. So did you look at those exhibits</p> <p>2 at all?</p> <p>3 A No, but I know that -- but I did read</p> <p>4 through the actual complaint after -- I read through</p> <p>5 the entire complaint after it was filed, and I know</p> <p>6 the exhibits were there. I just didn't have time to</p> <p>7 read them.</p> <p>8 Q Sure. And before the complaint was filed,</p> <p>9 did you read through the entire complaint or just</p> <p>10 the part that applies to you?</p> <p>11 A Just the part pertaining to me.</p> <p>12 Q Okay. And then do you remember signing</p> <p>13 what they call a verification page that would go</p> <p>14 with the complaint?</p> <p>15 A I don't remember what the name of the</p> <p>16 document was.</p> <p>17 Q Sure. And this is not a test, so I will</p> <p>18 go ahead and show you what I'm talking about.</p> <p>19 A Okay. Please do.</p> <p>20 Q Yes.</p> <p>21 A I'm sure it probably has my signature on</p> <p>22 it, too.</p> <p>23 Q Okay. So if you refresh your screen, you</p> <p>24 should see something called Exhibit 1.</p> <p>25 (Exhibit 1 marked for identification.)</p>

<p style="text-align: right;">Page 37</p> <p>1 A Hang on a sec. Oh, there we are.</p> <p>2 Q Do you see a document called Exhibit 1?</p> <p>3 A Yes.</p> <p>4 Q Are you able to open that document?</p> <p>5 A Yes, and I see it.</p> <p>6 Q Does this document look familiar to you?</p> <p>7 A Yes, it does look familiar.</p> <p>8 Q Okay.</p> <p>9 A Thank you for the refresher.</p> <p>10 Q Yes. No problem. So what -- what do you</p> <p>11 understand this document to mean?</p> <p>12 A Can you restate the question, please?</p> <p>13 Q Sure. So you -- is that your signature</p> <p>14 there at the bottom?</p> <p>15 A That is -- that is my signature.</p> <p>16 Q Okay. So when you signed this, what did</p> <p>17 you understand that you were signing it for?</p> <p>18 A Yeah. Can you -- can you rephrase again?</p> <p>19 The question is -- there's a -- yeah. There's --</p> <p>20 I'm not exactly sure what your -- what your question</p> <p>21 is. A rephrase would be helpful for me.</p> <p>22 Q Sure. Do you -- what do you understand</p> <p>23 the effect of this document to be? What do you</p> <p>24 understand it to be saying?</p> <p>25 A Okay. I understand the document to be</p>	<p style="text-align: right;">Page 38</p> <p>1 saying that I need to be truthful. I need to --</p> <p>2 yeah. That's what I understand the document to be</p> <p>3 saying.</p> <p>4 Q Okay. Do you understand --</p> <p>5 A You have to remember, I'm a musicologist,</p> <p>6 so I'm going to go with, like, the primary document</p> <p>7 in front of me, and -- and that's -- I'm assuming</p> <p>8 you're speaking of the text in that document.</p> <p>9 Q Yeah, sure. No. I just want your</p> <p>10 understanding.</p> <p>11 A Okay.</p> <p>12 Q It's not -- nothing other than that. So</p> <p>13 do you understand that this document meant that all</p> <p>14 of the statements in the complaint about you were</p> <p>15 true?</p> <p>16 A Yes.</p> <p>17 Q Okay. And do you still agree that that's</p> <p>18 true?</p> <p>19 A Yes.</p> <p>20 Q Okay. I want to talk to you a little bit</p> <p>21 about your experience with COVID. Everybody's</p> <p>22 favorite thing to talk about. Have you ever had --</p> <p>23 A We don't need -- we don't need cocktail</p> <p>24 bars anymore.</p> <p>25 Q Right. Have you ever had COVID?</p>
<p style="text-align: right;">Page 39</p> <p>1 A Not to my knowledge.</p> <p>2 Q Have you ever had COVID symptoms and</p> <p>3 thought you might have COVID?</p> <p>4 A Yes.</p> <p>5 Q When was that?</p> <p>6 A In January of 2021.</p> <p>7 Q And what caused you to think that you</p> <p>8 might have COVID?</p> <p>9 A So in truth, I didn't think I had COVID,</p> <p>10 but the CDC guidelines and IU's guidelines, you</p> <p>11 know, say if you have symptoms of anything that --</p> <p>12 even, like, a cold, you would need to treat it as if</p> <p>13 you possibly have COVID. So it was the CDC and IU</p> <p>14 that led me to think that way.</p> <p>15 Q So you -- is it right that you were</p> <p>16 experiencing some kind of symptoms of illness in</p> <p>17 January of 2021?</p> <p>18 A Yes. Yes.</p> <p>19 Q What were you experiencing?</p> <p>20 A I'm going to have to think about that for</p> <p>21 a sec. I don't remember for -- I don't remember for</p> <p>22 sure. The one symptom I do remember was my voice</p> <p>23 was hoarse.</p> <p>24 Q And I think I understand you to be saying</p> <p>25 based on the symptoms that you were experiencing at</p>	<p style="text-align: right;">Page 40</p> <p>1 the time, you saw those symptoms listed on CDC</p> <p>2 guidelines or IU's guidelines as potential</p> <p>3 indications that you have COVID?</p> <p>4 A Yes. I had -- I had other symptoms. I</p> <p>5 don't remember what they were.</p> <p>6 Q Okay.</p> <p>7 A You know, malaise -- you know how -- how</p> <p>8 illness creates general malaise.</p> <p>9 Q Sure. And so you don't think that you had</p> <p>10 COVID sitting here today?</p> <p>11 A Yes. Yes. Wait a minute. I'm answering</p> <p>12 your question in the affirmative. I do not think I</p> <p>13 had COVID.</p> <p>14 Q But you treated it as if you might have</p> <p>15 COVID at that time?</p> <p>16 A Yes.</p> <p>17 Q Okay. I just wanted to make sure I</p> <p>18 understood you.</p> <p>19 A Uh-huh.</p> <p>20 Q And when you thought, you know, you met</p> <p>21 the guidelines that you may have COVID, what --</p> <p>22 what, if anything, did you do differently because</p> <p>23 there was a chance that you might have had it?</p> <p>24 A I did follow the university's guidelines</p> <p>25 to stay home. I paid to have a tele-consult with</p>

<p style="text-align: right;">Page 41</p> <p>1 the Health Center so that I could get an expedited</p> <p>2 COVID test.</p> <p>3 Q So you were --</p> <p>4 A And I cancelled --</p> <p>5 Q Sorry. Go ahead.</p> <p>6 A And I cancelled the meeting with one of my</p> <p>7 professors in person.</p> <p>8 Q Okay.</p> <p>9 A Or I cancelled an in-person meeting with</p> <p>10 one of my professors. Yeah.</p> <p>11 Q So were you ultimately tested for COVID at</p> <p>12 that time?</p> <p>13 A Yes, I was.</p> <p>14 Q What was the result of that?</p> <p>15 A It was a negative test.</p> <p>16 Q What kind of test did you have when you</p> <p>17 got tested?</p> <p>18 A They did two tests, a nasal swab and a</p> <p>19 saliva test.</p> <p>20 Q Okay. Other than that experience in</p> <p>21 January of 2021, do you have any other times where</p> <p>22 you thought you might have had COVID or experienced</p> <p>23 COVID-like symptoms?</p> <p>24 A Yes.</p> <p>25 Q Okay. Tell me about that.</p>	<p style="text-align: right;">Page 42</p> <p>1 A Okay. I acquired an illness here in</p> <p>2 Oklahoma while visiting family, and -- and the</p> <p>3 person in my family who we know had similar</p> <p>4 symptoms, she got tested for COVID, and she knew --</p> <p>5 and her test was negative. So I had no reason to</p> <p>6 think that I had COVID because I had the same</p> <p>7 symptoms as her, and her test was negative, so,</p> <p>8 yeah.</p> <p>9 Q So did you elect not to get tested at that</p> <p>10 time?</p> <p>11 A Yes.</p> <p>12 Q When was that?</p> <p>13 A October 2020.</p> <p>14 Q Okay. Other than those two experiences,</p> <p>15 have you had any other times where you thought you</p> <p>16 had COVID potentially or COVID-like symptoms?</p> <p>17 A I did have COVID-like symptoms in January</p> <p>18 2021.</p> <p>19 Q Apart from the instance that we just</p> <p>20 talked about?</p> <p>21 A Yes. Yes.</p> <p>22 Q Okay.</p> <p>23 A Yes. The first one we talked about was a</p> <p>24 very quick cold that was gone in two days.</p> <p>25 Q Can you tell me about this other instance</p>
<p style="text-align: right;">Page 43</p> <p>1 in January of 2021?</p> <p>2 A Yeah. It was, again, something going</p> <p>3 around Oklahoma. I think it was some form of the</p> <p>4 flu. I was sick for over a week.</p> <p>5 Q Okay. Did you get tested for COVID at</p> <p>6 that time?</p> <p>7 A No.</p> <p>8 Q How -- why not?</p> <p>9 A There was no need to. We don't -- yeah.</p> <p>10 Q During these different instances where you</p> <p>11 have had symptoms of illness, whether or not they</p> <p>12 are COVID, have you -- did you elect to wear a mask</p> <p>13 while you were feeling ill?</p> <p>14 A While I was feeling ill?</p> <p>15 Q Uh-huh.</p> <p>16 A Can you -- can you rephrase your question?</p> <p>17 Q Sure. I'm just -- when you -- I think you</p> <p>18 described one instance in October and two instances</p> <p>19 in January of 2021 where you had symptoms that may</p> <p>20 or may not have been COVID or some other illness.</p> <p>21 I'm just wondering in any of those three instances</p> <p>22 that you just described, did you wear a mask when</p> <p>23 you were experiencing these symptoms at any time?</p> <p>24 A Yes.</p> <p>25 Q Okay. Why did you do that?</p>	<p style="text-align: right;">Page 44</p> <p>1 A I wear a mask in the public spaces where</p> <p>2 I'm required to, but I never feel like it's</p> <p>3 voluntary. It always feels forced.</p> <p>4 Q Okay. So when you were --</p> <p>5 A So --</p> <p>6 Q Go ahead.</p> <p>7 A Yeah. So, it's never elective for me.</p> <p>8 Q So when you were experiencing these</p> <p>9 symptoms in October and then both times in January,</p> <p>10 you wore a mask if you were going outside of your</p> <p>11 house to a public space; is that right?</p> <p>12 A Can you rephrase your question?</p> <p>13 Q Sure. I'm just trying to understand --</p> <p>14 maybe I'll do it less specifically, and you can tell</p> <p>15 me. What -- what approach -- or let me think about</p> <p>16 the best way to say this. What was your approach to</p> <p>17 when you wore a mask and when you didn't when you</p> <p>18 were experiencing these symptoms?</p> <p>19 A Well, let me think back to that. When I</p> <p>20 was experiencing those symptoms, I didn't want to be</p> <p>21 out anyways. I wanted to be home sick, and I was</p> <p>22 home as much as I could, so the times that I wore</p> <p>23 masks, I probably did what I do when I'm well, which</p> <p>24 is to wear it when required.</p> <p>25 Q Okay.</p>

<p style="text-align: right;">Page 45</p> <p>1 A So ...</p> <p>2 Q When you were at IU for the 2020-2021</p> <p>3 school year and you were in Bloomington, did you</p> <p>4 wear a mask when you were on campus consistent with</p> <p>5 IU policy?</p> <p>6 A Yes.</p> <p>7 Q Were you ever a participant in the testing</p> <p>8 during that school year at IU?</p> <p>9 A Yes.</p> <p>10 Q And what -- what was that experience like</p> <p>11 for you?</p> <p>12 A Can you be more -- can you rephrase your</p> <p>13 question?</p> <p>14 Q Sure. What is -- I'm just trying to</p> <p>15 understand your experience with the COVID testing</p> <p>16 while you were in Bloomington. Sort of how</p> <p>17 frequently you might have been tested, you know,</p> <p>18 what that experience, that process was like.</p> <p>19 A Okay. I don't -- I don't remember how</p> <p>20 frequently I was tested. It -- it was not -- it was</p> <p>21 not very often. Do you -- the process is basically</p> <p>22 they send you an email if -- if they want to test</p> <p>23 you, and you have to go because that's -- that was</p> <p>24 required for being on campus, and you spit into a</p> <p>25 tube in a room full of other people and -- and you</p>	<p style="text-align: right;">Page 46</p> <p>1 leave your tube and then you walk -- you walk out of</p> <p>2 the facility.</p> <p>3 Q Okay. And you said it was I think not</p> <p>4 very many times. Do you think it was more or less</p> <p>5 than 10 times?</p> <p>6 A Less than 10 times. Can I ask -- I have a</p> <p>7 clarifying question. For some reason in my mind, I</p> <p>8 thought we were speaking of fall 2020. Are we</p> <p>9 speaking of the entire academic year? What time</p> <p>10 frame are we speaking of?</p> <p>11 Q Sure. Thanks for clarifying. So it</p> <p>12 sounds like the information you were just giving me</p> <p>13 related to fall of 2020; is that right?</p> <p>14 A Yes.</p> <p>15 Q Okay. So we can talk now about maybe</p> <p>16 spring 2021. Were you also tested during that time</p> <p>17 period?</p> <p>18 A Uh-huh.</p> <p>19 Q And about how --</p> <p>20 THE REPORTER: I'm sorry. What was the</p> <p>21 answer?</p> <p>22 MS. GUTWEIN: Thank you, Luke.</p> <p>23 Q (BY MS. GUTWEIN) I'm sorry. He needs you</p> <p>24 to say your answer out loud to my question. I said</p> <p>25 were you also tested during that time period?</p>
<p style="text-align: right;">Page 47</p> <p>1 A Which time period?</p> <p>2 Q Spring 2021.</p> <p>3 A Yes.</p> <p>4 Q And how frequently would you say you were</p> <p>5 tested during that semester at IU?</p> <p>6 A At first it was -- from the end of spring</p> <p>7 and summer started blending together. I think</p> <p>8 spring was less than 10 times.</p> <p>9 Q Okay. And did you also wear a mask when</p> <p>10 you were at the Bloomington campus in spring of</p> <p>11 2021?</p> <p>12 A Yes.</p> <p>13 Q Have you had the COVID vaccine?</p> <p>14 A No.</p> <p>15 Q Do you have any plans to get the COVID</p> <p>16 vaccine?</p> <p>17 A No.</p> <p>18 Q When you participated in that -- in the</p> <p>19 activities on campus during the academic 2020-2021</p> <p>20 school year, and you had to wear a mask and undergo</p> <p>21 the testing that we were just talking about, did you</p> <p>22 suffer any harm from that process?</p> <p>23 A Yes, I did.</p> <p>24 Q What was that?</p> <p>25 A Yes. I struggled to breathe with the mask</p>	<p style="text-align: right;">Page 48</p> <p>1 on.</p> <p>2 Q Okay.</p> <p>3 A These things are in my medical record, but</p> <p>4 I also had bad acne that would, like, scar my face.</p> <p>5 That has cleared up since I've been away from</p> <p>6 Bloomington and in Oklahoma where we don't have to</p> <p>7 wear masks.</p> <p>8 Q Okay. Any other harm that you suffered</p> <p>9 from the masking and the testing?</p> <p>10 A Well, I feel like it violates my freedom</p> <p>11 of choice. I mean, that's definitely a harm, yes.</p> <p>12 Yes. I have suffered harm in that -- in that way</p> <p>13 because IU created a culture of containment and fear</p> <p>14 where only one opinion is really allowed or</p> <p>15 encouraged to be expressed, and where students and</p> <p>16 faculty tell on each other, so, yes, those are all</p> <p>17 harmful things, and I have felt -- yes, I have felt</p> <p>18 fear.</p> <p>19 Q What are you fearful of?</p> <p>20 A Fearful of discrimination.</p> <p>21 Q Is that -- so what about the masking</p> <p>22 requirement in the 2020-2021 school year caused you</p> <p>23 to be fearful of discrimination?</p> <p>24 A Because I don't agree with the</p> <p>25 requirements. I do it because I'm told -- because</p>

<p style="text-align: right;">Page 49</p> <p>1 it was -- at that time it was the only -- yeah. It</p> <p>2 was -- I was told I could -- that was what I had to</p> <p>3 do to work towards the degrees that I've invested so</p> <p>4 much time and money into, and so my fear was that</p> <p>5 even though I disagreed and even though I had a</p> <p>6 different opinion, I couldn't even express that</p> <p>7 opinion.</p> <p>8 Q And --</p> <p>9 A And I'm not the only one who feels that</p> <p>10 fear. Amongst my peers we can kind of figure out</p> <p>11 who also is fearful. We have a way of finding each</p> <p>12 other. Yeah. And, yeah, it's not just about</p> <p>13 masking. It's also about personal expression and</p> <p>14 the debate of ideas. Judge Leichthy talked about</p> <p>15 how, you know, the vaccine, the merits of it, are</p> <p>16 being debated in the public square. Technically IU</p> <p>17 is a public university, but we don't have those</p> <p>18 kinds of debates. There's only one opinion</p> <p>19 presented. So, yes, there's fear of being -- of</p> <p>20 even being labeled as someone who could inflict harm</p> <p>21 upon other people even though I know I -- I</p> <p>22 personally can't because I'm under COVID protection.</p> <p>23 Q Okay. So that's helpful. I want to back</p> <p>24 up just a minute, though, just back to the masking</p> <p>25 and the testing. So what I'm trying to understand</p>	<p style="text-align: right;">Page 50</p> <p>1 is, from the mask policy that you complied with in</p> <p>2 the 2020-2021 school year, I heard you say that you</p> <p>3 suffered harm because it made it more difficult for</p> <p>4 you to breathe, and it --</p> <p>5 A Yes.</p> <p>6 Q -- also caused you to have acne. And then</p> <p>7 I understood -- go ahead.</p> <p>8 A It also gave me headaches.</p> <p>9 Q Okay. And then I understood --</p> <p>10 A And also there was potential harm. I</p> <p>11 forgot that. I do work out with a trainer, and we</p> <p>12 are required to wear masks even though it's him and</p> <p>13 me and even though both of us might agree not --</p> <p>14 that we're okay not wearing masks, we still have to</p> <p>15 do it because we're in IU's building even though</p> <p>16 we're in a room by ourselves. Deadlifting with a</p> <p>17 mask is very dangerous, and we're required to do</p> <p>18 that, because deadlifting requires you to suck in</p> <p>19 enough air to fill your abdomen with air, and that's</p> <p>20 what protects your -- your muscles and your -- your</p> <p>21 back, and there have been times when I almost</p> <p>22 injured myself because I was trying to execute a</p> <p>23 deadlift with my face constricted by a mask.</p> <p>24 Q Okay. You referenced fear of</p> <p>25 discrimination?</p>
<p style="text-align: right;">Page 51</p> <p>1 A Yes.</p> <p>2 Q Did you feel discriminated against for</p> <p>3 wearing a mask during the 2020-2021 school year?</p> <p>4 A For wearing a mask?</p> <p>5 Q Yes.</p> <p>6 A I'd like to think about that question if</p> <p>7 it's okay. The mask isn't the only thing that makes</p> <p>8 me feel discriminated against, but, no, I felt that</p> <p>9 wearing the mask protected me from discrimination</p> <p>10 because it's what everyone else is doing. Wearing</p> <p>11 the mask kept me from standing out as someone who</p> <p>12 disagreed with the policy.</p> <p>13 Q Okay. And so is it fair to say, then,</p> <p>14 that when you're talking about fear of</p> <p>15 discrimination, that harm does not relate to the</p> <p>16 last school year? It relates to this coming</p> <p>17 semester, that you're fearful if you have to wear a</p> <p>18 mask, you will be discriminated against?</p> <p>19 A Can you be more specific by what you mean</p> <p>20 with relating the two fears to each other? I'm not</p> <p>21 sure what distinction you're making or wanting me to</p> <p>22 make.</p> <p>23 Q I'm just trying to understand whether -- I</p> <p>24 think I heard you say that last school year when you</p> <p>25 wore a mask during the 2020-2021 school year, you</p>	<p style="text-align: right;">Page 52</p> <p>1 didn't fear being discriminated against or you</p> <p>2 didn't experience being discriminated against for</p> <p>3 wearing a mask; is that right?</p> <p>4 A Yes.</p> <p>5 Q I think I also understood you to say that</p> <p>6 you are fearful of being discriminated against for</p> <p>7 wearing a mask for this coming fall semester if you</p> <p>8 have to wear a mask on IU's campus; is that right?</p> <p>9 A May I give a full answer to that one?</p> <p>10 Q Sure.</p> <p>11 A Because the reasons for the discrimination</p> <p>12 are different. This past school year we had no</p> <p>13 vaccine requirements. The culture to get vaccinated</p> <p>14 on campus is very strong. People ask each other</p> <p>15 have you been vaccinated or they'll talk about</p> <p>16 getting their COVID vaccine, and so while -- so in a</p> <p>17 sense, getting the vaccine allows one to leave the</p> <p>18 world of masks and testing. Not getting a vaccine</p> <p>19 means you have to stay in the world of masks and</p> <p>20 testing -- testing. So whereas wearing a mask in</p> <p>21 the 2021 school year sort of kept me from being</p> <p>22 discriminated against, things have changed. People</p> <p>23 are leaving that world because they're getting</p> <p>24 vaccinated. I'm going to have to wear a mask which</p> <p>25 is a marker of choosing not to get the vaccine or</p>

<p style="text-align: right;">Page 53</p> <p>1 not even choosing. It's not even my choice. It's</p> <p>2 my doctor's medical opinion.</p> <p>3 Q Are you aware that people who are</p> <p>4 vaccinated can still have the option to wear a mask</p> <p>5 if they want to?</p> <p>6 A Yes.</p> <p>7 Q Okay.</p> <p>8 A People are not -- not everyone is choosing</p> <p>9 that option.</p> <p>10 Q Is it right that just by looking at</p> <p>11 someone who is wearing a mask, you don't know</p> <p>12 whether they're vaccinated or not?</p> <p>13 A I -- I want to -- it's not a yes or no</p> <p>14 answer.</p> <p>15 Q How could you tell by looking at someone</p> <p>16 whether they're vaccinated or not based on whether</p> <p>17 they're wearing a mask?</p> <p>18 A Part of the campus culture is that people</p> <p>19 who are vaccinated are choosing not to wear the</p> <p>20 mask. So most people on campus now are not wearing</p> <p>21 masks unless they're required to.</p> <p>22 Q I appreciate that --</p> <p>23 A So that -- yeah. So that --</p> <p>24 Q -- but that wasn't my question.</p> <p>25 A No, but that is the context behind my</p>	<p style="text-align: right;">Page 54</p> <p>1 question. Sure, you cannot tell by looking at</p> <p>2 someone whether they've been vaccinated or not, but</p> <p>3 the culture -- but there's a culture surrounding</p> <p>4 that question, that context, and that's part of --</p> <p>5 part of what this mandate has created. It's created</p> <p>6 a culture of fear and intimidation and</p> <p>7 discrimination against people who disagree with it.</p> <p>8 So the culture dynamics are changing. It will be</p> <p>9 much easier to assume that people who are wearing a</p> <p>10 mask will not have had the vaccine.</p> <p>11 Q Okay. We've talked about the harms that</p> <p>12 you either experienced last school year or are</p> <p>13 concerned about experiencing for the upcoming</p> <p>14 semester related to masks. Besides the harms that</p> <p>15 we've talked about, are there any other harms</p> <p>16 related to masks that you can think of sitting here</p> <p>17 today that you're concerned about or have</p> <p>18 experienced?</p> <p>19 A Yes. Yes. That wearing masks has created</p> <p>20 this sense of distress among -- among people, and</p> <p>21 the requirement has helped people to fragment and</p> <p>22 break into small inner circles without</p> <p>23 communicate -- you know, yes, all of those things.</p> <p>24 The sense of the mandate creates isolation. I don't</p> <p>25 know.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q Okay. Anything else?</p> <p>2 A I'll leave it at that.</p> <p>3 Q Okay. With respect to the testing that</p> <p>4 you participated in --</p> <p>5 A Uh-huh.</p> <p>6 Q -- while in Bloomington last school year,</p> <p>7 what harms, if any, did you experience from that?</p> <p>8 A One is that I did not like giving up my</p> <p>9 own -- my own -- I didn't like giving up my -- my</p> <p>10 saliva because it contains, you know, personal</p> <p>11 information about my biological makeup. That was</p> <p>12 one harm.</p> <p>13 Q Okay.</p> <p>14 A Another harm was the amount of time it</p> <p>15 takes, having to clear -- having to make time in</p> <p>16 your schedule to go do it. Those are two I can</p> <p>17 think of at the moment.</p> <p>18 Q Okay. For the fall 2021 school year,</p> <p>19 besides those two harms that you just identified, if</p> <p>20 you were required to undergo testing during the fall</p> <p>21 2021 school year, are there any other harms that</p> <p>22 you're worried about related to that testing?</p> <p>23 A Yes, actually, and, again, it's a</p> <p>24 cultural -- it's a cultural harm. I shouldn't need</p> <p>25 to be tested because -- so testing determines if</p>	<p style="text-align: right;">Page 56</p> <p>1 you've had COVID, right, or not. People who get</p> <p>2 vaccines don't have to be tested because they have</p> <p>3 coverage for COVID. I have coverage for COVID.</p> <p>4 Q Okay.</p> <p>5 A And so the testing mandate discriminates</p> <p>6 against my coverage for COVID and says it's not as</p> <p>7 efficient as the vaccine when the science says</p> <p>8 otherwise.</p> <p>9 Q Okay. So --</p> <p>10 A Actually not only the science. When my --</p> <p>11 when my physician says otherwise. I can safely say</p> <p>12 that.</p> <p>13 Q So I understand that to be about you --</p> <p>14 you're feeling as if you're being treated</p> <p>15 differently from other people who you view as</p> <p>16 similarly situated; is that right?</p> <p>17 A Can you clarify "similarly situated"?</p> <p>18 Q In that you view some individuals who have</p> <p>19 been vaccinated and, therefore, according to you,</p> <p>20 have coverage for COVID don't have to undergo the</p> <p>21 testing and you have, you know, you believe you have</p> <p>22 coverage for COVID and you do have to undergo the</p> <p>23 testing?</p> <p>24 A Yes. They similarly believe they have</p> <p>25 coverage for COVID.</p>

<p style="text-align: right;">Page 57</p> <p>1 Q You don't believe that they have coverage 2 for COVID because of the vaccine? 3 A I believe that -- I don't feel comfortable 4 answering that question just because it gets outside 5 of my realm of expertise. It would literally be an 6 opinion. 7 Q That's okay. You're here to talk about 8 your opinions. 9 A I haven't -- I've only had hearsay. I 10 have not had time to research for myself. I've 11 heard that people can get COVID still. In fact, we 12 know that people -- we know that people don't 13 believe the vaccine is effective against COVID 14 because Anthony Fauci has been on the news lately 15 encouraging people to wear masks. So, no, they do 16 not believe -- people do not believe that the 17 vaccine is fully effective against COVID. 18 Q I'm asking what do you believe about the 19 vaccine? Do you believe it's effective against 20 COVID? 21 A No, I do not. 22 Q Okay. All right. I'm going to add 23 another exhibit. I understand that you have a 24 religious objection to the vaccine; is that right? 25 A Yes.</p>	<p style="text-align: right;">Page 58</p> <p>1 Q Okay. And I understand that you applied 2 for and received an exemption from the vaccination 3 policy at IU based on your religious objection; is 4 that right? 5 A That is correct. Hold on a sec. I'm 6 trying to find that exhibit. 7 Q Oh, I didn't put it in yet. 8 A Oh. Okay. 9 Q Sorry. I'll let you know when I do. 10 A Uh-huh. 11 Q My understanding is that that religious 12 exemption means -- means that you could return to 13 campus in fall of 2021 without having to obtain the 14 COVID vaccine under IU's vaccination policy; is that 15 right? 16 A That is correct. 17 Q Okay. I'm going to add -- you should see 18 a document there now if you refresh called 19 Exhibit 2. 20 (Exhibit 2 marked for identification.) 21 A Okay. 22 Q Okay. And you can look at this as much as 23 you want. I want to talk specifically about the 24 statements in this that refer to you. So I want 25 to --</p>
<p style="text-align: right;">Page 59</p> <p>1 A Okay. 2 Q -- look at paragraph -- I want to start by 3 looking at paragraph 194, which is on page 42, so at 4 the top of your -- go ahead. 5 A Is it okay if we take a brief break? 6 Q Sure. 7 A Like, five minutes? Is that okay? 8 Q Yeah. That's fine. 9 A Okay. All right. Thank you so much. 10 MS. GUTWEIN: Can we go off the record, 11 Luke? 12 THE REPORTER: Yes. We are off the 13 record. 14 (Briefly off the record.) 15 THE REPORTER: We are back on the record. 16 Q (BY MS. GUTWEIN) So right before we took 17 a break, I had added Exhibit 2. Are you able to 18 open that document? 19 A Yes. I have it open. 20 Q And I think I mentioned I want to start 21 with paragraph 194, which is on page 42. Can you 22 scroll to that paragraph? 23 A Yes. 24 Q Okay. Let me know when you're there. 25 A I'm here.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q Okay. So this paragraph says that you 2 obtained a religious exemption, which we just talked 3 about, but that you'd rather be exempt from the 4 vaccination policy for medical reasons; is that 5 right? 6 A Yes. 7 Q Okay. So I just -- I want to understand a 8 little bit about why you would prefer to have a 9 medical exemption over a religious exemption. 10 A Yes. The university environment tends to 11 privilege science over faith. So -- and I do have 12 scientific medical reasons for not wanting the 13 vaccine, and that's why I prefer it because that's 14 what universities privilege. 15 Q And when you say universities privilege 16 it, in what way do you think that the medical 17 exemption is privileged over the religious 18 exemption? 19 A Let me think for a moment. Because -- 20 okay. Because the medical exemption is based in 21 science. 22 Q Sure. So what do you think will be 23 different about the exemption if you have a medical 24 exemption versus a religious exemption? 25 A It means that I -- there's less likelihood</p>

<p style="text-align: center;">Page 61</p> <p>1 that I would be discriminated against for having a</p> <p>2 different opinion.</p> <p>3 Q Discriminated against by whom?</p> <p>4 A My professors, my colleagues.</p> <p>5 Q Do you know whether your professors would</p> <p>6 know which exemption you have?</p> <p>7 A I have not -- I have only been told</p> <p>8 verbally by someone at the COVID hotline that my</p> <p>9 professors would not have a way of knowing, but</p> <p>10 you'd be surprised how much -- how much information,</p> <p>11 like, is accessible by various people at the</p> <p>12 university. So I don't know. I just -- I don't</p> <p>13 feel comfortable with that answer anyways, and I</p> <p>14 think that's because -- because -- because there is</p> <p>15 religious discrimination against COVID or people are</p> <p>16 being discriminated against for their religious</p> <p>17 opinions on COVID and the vaccine.</p> <p>18 Q How has IU discriminated against people</p> <p>19 for their religious opinions on the COVID vaccine?</p> <p>20 A I was told that two students were denied a</p> <p>21 religious exemption when they applied for it.</p> <p>22 Q Who told you that?</p> <p>23 A Margaret Menge.</p> <p>24 Q Other than hearing that from Margaret</p> <p>25 Menge, have you had any opportunity to verify that?</p>	<p style="text-align: center;">Page 62</p> <p>1 A Well, I don't remember if that was part of</p> <p>2 my research earlier this summer. I'm sorry. I</p> <p>3 don't remember.</p> <p>4 Q Do you know who the two students were that</p> <p>5 you heard were denied religious exemptions?</p> <p>6 A I don't remember their names. Actually I</p> <p>7 think I remember reading about them. I'm not going</p> <p>8 to say. I don't remember for sure. I just don't.</p> <p>9 Q So is it right that you don't know the two</p> <p>10 students who you believe were denied based -- denied</p> <p>11 a religious exemption?</p> <p>12 A No. I don't know them personally, and I</p> <p>13 don't know their names.</p> <p>14 Q Do you know -- do you personally know</p> <p>15 whether they applied for and were denied a religious</p> <p>16 exemption?</p> <p>17 A Can you restate your question?</p> <p>18 Q Sure. What information do you personally</p> <p>19 have that causes you to be -- let me strike that.</p> <p>20 Do you know, in fact, that they -- that those two</p> <p>21 students that you have in mind applied for a</p> <p>22 religious exemption?</p> <p>23 A Can you define what you mean by "fact"?</p> <p>24 Sorry. That's a term that's used very loosely these</p> <p>25 days.</p>
<p style="text-align: center;">Page 63</p> <p>1 Q So what -- I guess what I'm trying to</p> <p>2 figure out is, other than hearing it from Margaret</p> <p>3 Menge and reading about it potentially, do you have</p> <p>4 any way to know for sure whether or not those two</p> <p>5 students actually applied for a religious exemption?</p> <p>6 A I can't -- I can't see that I would. IU</p> <p>7 would not broadcast something like that.</p> <p>8 Q Okay. Do you have any way to know for</p> <p>9 sure if they applied, whether IU actually denied</p> <p>10 them religious exemption?</p> <p>11 A I don't know them personally, so it's not</p> <p>12 something that I would know from -- from knowing</p> <p>13 them, but, no. The answer is no.</p> <p>14 Q Other than --</p> <p>15 A Now I'm thinking I should have gone and</p> <p>16 done that, right? I just --</p> <p>17 Q Other than this instance that you heard</p> <p>18 about, about these two students, are you aware of</p> <p>19 any other way that IU has discriminated against</p> <p>20 people who have religious objections?</p> <p>21 A Yes. I was discriminated against.</p> <p>22 Q How so?</p> <p>23 A I've had professors tell me not to speak.</p> <p>24 Let me rephrase that. Well, the question is, what</p> <p>25 are we considering religious; right? Does it mean</p>	<p style="text-align: center;">Page 64</p> <p>1 that -- does that encompasses someone's opinion?</p> <p>2 Sometimes that's what people -- sometimes that's</p> <p>3 what religious refers to, not just a person's</p> <p>4 position on faith, but the opinions about life in</p> <p>5 general. So does -- do we mean religious in that</p> <p>6 broader sense of the word or are we specifically</p> <p>7 speaking to faith?</p> <p>8 Q Well, you tell me. You told me that IU</p> <p>9 will favor medical exemptions over religious</p> <p>10 exemptions, and I'm interested in any instances in</p> <p>11 which you're aware of that happening.</p> <p>12 A I am so sorry. Can you state the question</p> <p>13 one more time?</p> <p>14 Q Sure. You -- I understood you to say that</p> <p>15 you believe that IU will prefer medical exemptions</p> <p>16 or individuals with medical exemptions over</p> <p>17 individuals with religious exemptions.</p> <p>18 A Yes.</p> <p>19 Q I -- I want to know about --</p> <p>20 A Yes.</p> <p>21 Q -- any times that you know of where IU has</p> <p>22 done that.</p> <p>23 A Yes. Yes. Definitely in my program we</p> <p>24 are encouraged to keep our personal faith out of --</p> <p>25 out of our -- out of our -- I'm not sure how to say</p>

<p style="text-align: right;">Page 65</p> <p>1 this. There's a culture, sort of an unspoken</p> <p>2 culture, where if you -- there's like an academic</p> <p>3 way to deal with faith and there's a nonacademic way</p> <p>4 to express -- to express faith. Let me put it that</p> <p>5 way. And the -- and the nonacademic expressions are</p> <p>6 looked down upon. And, frankly, it's -- it's the</p> <p>7 personal experience of talking about it. It's not</p> <p>8 encouraged at school. We are only really allowed to</p> <p>9 speak about it if we -- dealing with it in the topic</p> <p>10 of evaluating faith or how it might have influenced</p> <p>11 or, like, theological topics would have influenced a</p> <p>12 composer like Bach. Other than that, you know, but,</p> <p>13 again, that's a very -- but that's like putting the</p> <p>14 science veneer on top of that rather than letting</p> <p>15 religion or faith speak for itself.</p> <p>16 Q Okay. I understand that to be in the</p> <p>17 context of your studies. I'm interested in any</p> <p>18 instance in which IU, that you're aware of, in which</p> <p>19 IU has favored a medical exemption from the</p> <p>20 vaccination policy over a religious exemption from</p> <p>21 the vaccination policy.</p> <p>22 A Okay. I have no idea.</p> <p>23 Q Okay.</p> <p>24 A Everything is still so new. People aren't</p> <p>25 talking about it.</p>	<p style="text-align: right;">Page 66</p> <p>1 Q Okay.</p> <p>2 A Yeah. Everything is still -- like,</p> <p>3 there's still people figuring out what they're going</p> <p>4 to do.</p> <p>5 Q Do you understand that the consequence of</p> <p>6 having a medical exemption and the consequence of</p> <p>7 having a religious exemption as far as complying or</p> <p>8 not -- as far as what you have to do under IU's</p> <p>9 vaccination policy are the same?</p> <p>10 A Can you restate the question, please?</p> <p>11 Q Sure. Do you agree that the religious</p> <p>12 exemption means that an individual who receives that</p> <p>13 exemption does not have to get vaccinated for</p> <p>14 COVID-19 to return to campus in the fall?</p> <p>15 A Yes.</p> <p>16 Q Do you agree that an individual who has a</p> <p>17 medical exemption from the COVID-19 vaccination</p> <p>18 policy does not have to get vaccinated for COVID-19</p> <p>19 to return to campus in the fall?</p> <p>20 A Yes.</p> <p>21 Q Are there any other differences between</p> <p>22 the exemptions besides one being, in your words,</p> <p>23 science related and one being, you know, religious</p> <p>24 or faith related that you know of?</p> <p>25 A Yes, there are differences.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q What?</p> <p>2 A I don't know who approves the religious</p> <p>3 exemptions, but I have been told by people working</p> <p>4 on the IU COVID -- who are part of the IU COVID</p> <p>5 Response Team, sorry, I don't know their official</p> <p>6 title, I do know that medical exemption goes before</p> <p>7 a team of doctors to review and approve.</p> <p>8 Q Okay. Any other differences between the</p> <p>9 two exemptions that you know of?</p> <p>10 A Yes. Because in a religious exemption,</p> <p>11 they don't care -- they don't care if you have</p> <p>12 coverage for COVID, which I have.</p> <p>13 Q Right. So that relates to the criteria</p> <p>14 for the exemption.</p> <p>15 A Okay.</p> <p>16 Q Any other differences between the effect</p> <p>17 of having the exemption?</p> <p>18 A And can you define what you mean by</p> <p>19 "effect"?</p> <p>20 Q Sure. When someone has -- what the effect</p> <p>21 of obtaining a religious exemption is and what the</p> <p>22 effect of obtaining a medical exemption is. We</p> <p>23 talked about how both of those allow a student to</p> <p>24 return to campus in the fall without getting</p> <p>25 vaccinated. Are there any other differences between</p>	<p style="text-align: right;">Page 68</p> <p>1 the effect of each of those exemptions?</p> <p>2 A Well, we -- just for the record, the</p> <p>3 effect also includes that those students right now</p> <p>4 must be masked and test -- tested.</p> <p>5 Q Under both of those exemptions; correct?</p> <p>6 A Yes. Yes. So, yeah, the effect isn't</p> <p>7 just that a student can return to campus. It's that</p> <p>8 they are restricted in other ways.</p> <p>9 Q Any differences?</p> <p>10 A Not that I'm aware of.</p> <p>11 Q Okay. If we look -- I understand that</p> <p>12 you -- if we look at paragraph 187 of the complaint,</p> <p>13 which is Exhibit 2, it alleges that you were</p> <p>14 horrified to discover that IU prohibits you from</p> <p>15 receiving a medical exemption. What is the basis</p> <p>16 for your understanding that you are prohibited from</p> <p>17 receiving a medical exemption?</p> <p>18 A I have two bases. One is the form itself.</p> <p>19 I carefully looked at it to see if I met any of the</p> <p>20 criteria listed for consideration for exemption, and</p> <p>21 I did not. The other one is that I expressed my</p> <p>22 concerns to my contact at student disabilities</p> <p>23 for -- Disabilities Services for Students, and I</p> <p>24 asked her, I said -- I said, "What do you know about</p> <p>25 this exemption form and the mandate and my chances</p>

<p style="text-align: right;">Page 69</p> <p>1 of getting a medical exemption?" And she said while</p> <p>2 she can't speak for the committee, she has heard</p> <p>3 that they are adhering to that form and to those</p> <p>4 policies.</p> <p>5 Q Okay.</p> <p>6 A So I heard it from an IU -- from an IU</p> <p>7 staff member.</p> <p>8 Q Did you submit for a medical exemption?</p> <p>9 A After I got the religious exemption I did</p> <p>10 try, yes. Absolutely did.</p> <p>11 Q So why did you try to do that if you</p> <p>12 thought you didn't qualify for it?</p> <p>13 A Because I thought about my preference. My</p> <p>14 preference -- so I applied for the religious</p> <p>15 exemption because I didn't think there was any way I</p> <p>16 would get the medical exemption, but I felt like --</p> <p>17 I felt like I had -- I preferred a medical</p> <p>18 exemption. I have legitimate reasons for it, and so</p> <p>19 that's why I reached out to IU.</p> <p>20 Q What do you think that you would obtain</p> <p>21 through a medical exemption that you have not</p> <p>22 obtained through a religious exemption?</p> <p>23 A I at least would achieve consistency</p> <p>24 with -- with what I say and how I act around my</p> <p>25 colleagues. I would never tell them that I disagree</p>	<p style="text-align: right;">Page 70</p> <p>1 with IU's policies, I don't, but a lot of them do</p> <p>2 know that I have been ill, and they're very</p> <p>3 understanding when I say I can't get the vaccine for</p> <p>4 medical reasons. I don't -- you don't find that</p> <p>5 same understanding when you talk about it from a</p> <p>6 faith perspective or religious perspective or a</p> <p>7 difference of opinion perspective. So I would at</p> <p>8 least, yeah, that's what I would -- that's what I</p> <p>9 would gain.</p> <p>10 Q Do you agree that you could tell your</p> <p>11 colleagues now that you don't -- you can't get the</p> <p>12 vaccine for medical reasons even with a religious</p> <p>13 exemption?</p> <p>14 A Yes. Yes.</p> <p>15 Q So other than how you might talk about it</p> <p>16 with your colleagues, what else, if anything, would</p> <p>17 you gain from having a medical exemption rather than</p> <p>18 a religious exemption?</p> <p>19 A According to hearsay again, IU has</p> <p>20 formally -- according to hearsay, we'll just call it</p> <p>21 hearsay for now, IU did deny two students the</p> <p>22 opportunity to have a religious exemption at first,</p> <p>23 and they only caved and granted the students their</p> <p>24 religious exemptions under pressure. Well, if</p> <p>25 they've changed the policy, like, I don't feel very</p>
<p style="text-align: right;">Page 71</p> <p>1 secure in having the religious exemption because I</p> <p>2 feel like if IU can change their policy in one way,</p> <p>3 they can change it in another way and actually</p> <p>4 rescind that policy.</p> <p>5 Q Okay. So do you have any reason to</p> <p>6 believe that IU is going to change its religious</p> <p>7 exemption policy besides the anecdote that you just</p> <p>8 described?</p> <p>9 A Not at the moment.</p> <p>10 Q Okay. With respect to the two students</p> <p>11 that you were just talking about, it sounds like</p> <p>12 it's your understanding that they ultimately did</p> <p>13 obtain a religious exemption?</p> <p>14 A Yes. Actually I can tell you what would</p> <p>15 lead me to have those concerns. Because I had a</p> <p>16 policy change at my -- my school in the Jacobs</p> <p>17 School. We were told when we came back to campus in</p> <p>18 the fall semester that as long as we were in</p> <p>19 practice rooms by ourselves and we had a 15-minute</p> <p>20 window in between, you know, student, that we would</p> <p>21 not have to wear masks. We could treat that as an</p> <p>22 office space because it was just us in the room, and</p> <p>23 that policy was changed, like, at the end of the</p> <p>24 fall semester.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 72</p> <p>1 A So, yeah, IU changes policies after -- in</p> <p>2 either direction, and so it creates an uncertain</p> <p>3 environment, an environment when you don't know the</p> <p>4 policy is going to be changed.</p> <p>5 Q Do you have that same concern that the</p> <p>6 policy could change with respect to a medical</p> <p>7 exemption?</p> <p>8 A Yes.</p> <p>9 Q Okay.</p> <p>10 A Medical and religious, both.</p> <p>11 Q When you have referenced -- I think, if we</p> <p>12 look at paragraph 193, there's a reference to a</p> <p>13 medication that you're on.</p> <p>14 A Yes.</p> <p>15 Q You would know better than I would about</p> <p>16 how to pronounce it. I'm going to take a stab.</p> <p>17 Ivermectin?</p> <p>18 A Yes.</p> <p>19 Q Is that right?</p> <p>20 A Good job.</p> <p>21 Q Thank you. And it says here that your</p> <p>22 understanding is that it protects you against COVID;</p> <p>23 is that right?</p> <p>24 A Yes.</p> <p>25 Q What is the basis for that understanding?</p>

<p style="text-align: right;">Page 73</p> <p>1 A My physician's -- my physician's advice.</p> <p>2 Q And what did your physician tell you about</p> <p>3 that?</p> <p>4 A He told me that it provides coverage for</p> <p>5 COVID.</p> <p>6 Q So --</p> <p>7 A Yeah.</p> <p>8 Q -- what -- what does that mean? Did he</p> <p>9 say it means you won't contract COVID?</p> <p>10 A Yes.</p> <p>11 Q So your understanding is that your</p> <p>12 physician told you ivermectin will keep you from</p> <p>13 ever contracting COVID; is that right?</p> <p>14 A I wouldn't say, "from ever." He did not</p> <p>15 express it in those words. Physicians aren't</p> <p>16 that -- you know, they always know that there's a</p> <p>17 percentage of -- there's always, you know, at least</p> <p>18 a small percentage of people who fall outside that.</p> <p>19 Yeah. He would not say, "ever" -- he never would</p> <p>20 speak in absolutes like "ever ever." No</p> <p>21 physician -- good physicians don't.</p> <p>22 Q So there's still some risk even with that</p> <p>23 medication that you could contract COVID?</p> <p>24 A Yes. I suppose so. He and I didn't talk</p> <p>25 about that part.</p>	<p style="text-align: right;">Page 74</p> <p>1 Q How long --</p> <p>2 A Well, actually I would like to -- if it's</p> <p>3 possible, I would like to strike my answer. I don't</p> <p>4 know what the answer to that question is because he</p> <p>5 did not advise me.</p> <p>6 Q How long have you been taking this</p> <p>7 medication?</p> <p>8 A Since before COVID.</p> <p>9 Q Why did you get tested in October or</p> <p>10 January if your understanding is you can't contract</p> <p>11 COVID?</p> <p>12 A Because of the -- because the university</p> <p>13 requires that.</p> <p>14 Q So when you were in Tulsa in October and</p> <p>15 you got tested for COVID, that was because IU</p> <p>16 required it?</p> <p>17 A I did not get tested for COVID in October.</p> <p>18 The only time I got tested for COVID of my own free</p> <p>19 will, if you can even call it that, was in January.</p> <p>20 Q Okay.</p> <p>21 A And that's because I was trying --</p> <p>22 actually it's because I had an upcoming appointment</p> <p>23 with my -- with my physician.</p> <p>24 Q You had an upcoming --</p> <p>25 A I had -- I had -- I had in-person</p>
<p style="text-align: right;">Page 75</p> <p>1 activities at IU, and I had -- yeah. It was -- for</p> <p>2 a couple reasons, the in-person activities at IU is</p> <p>3 definitely one because they don't want you on campus</p> <p>4 if you have COVID, and it's better to -- so I had to</p> <p>5 know for -- you know, I had to know -- I had to know</p> <p>6 from sure from a test if I had it.</p> <p>7 Q And so one was to attend these in-person</p> <p>8 activities at IU and another was to attend an</p> <p>9 upcoming meeting or appointment with your physician</p> <p>10 --</p> <p>11 A Yes.</p> <p>12 Q -- it sounds like?</p> <p>13 A Yeah.</p> <p>14 Q So for at least those two reasons, you got</p> <p>15 tested?</p> <p>16 A Yes.</p> <p>17 Q But you were on this medication at that</p> <p>18 time?</p> <p>19 A Yes.</p> <p>20 Q Okay. Do you know how much longer you</p> <p>21 will be on this medication?</p> <p>22 A No, I don't.</p> <p>23 Q Are you aware that the FDA has not</p> <p>24 approved ivermectin for treating or preventing COVID</p> <p>25 in humans?</p>	<p style="text-align: right;">Page 76</p> <p>1 A Yes. I'm also aware that they haven't</p> <p>2 fully approved the vaccine either.</p> <p>3 Q Are you aware that the W -- the World</p> <p>4 Health Organization advises that ivermectin</p> <p>5 shouldn't be used to treat patients with COVID</p> <p>6 outside of the clinical trials?</p> <p>7 A Can you restate your question, please?</p> <p>8 Q Sure. I just -- the World Health</p> <p>9 Organization has published some information on</p> <p>10 ivermectin in the context of COVID, and they -- they</p> <p>11 have advised that ivermectin shouldn't be used in</p> <p>12 patients to treat COVID outside of the clinical</p> <p>13 trials that are going on right now. Are you aware</p> <p>14 of that?</p> <p>15 A It's been a while. You're refreshing my</p> <p>16 memory. I'll say -- I'll say yes.</p> <p>17 Q Okay.</p> <p>18 A I will also say that the World Health</p> <p>19 Organization changed its definition of "herd</p> <p>20 immunity" last year.</p> <p>21 Q Okay.</p> <p>22 A So, again, we're seeing changes in</p> <p>23 definitions and changes in policy which is creating</p> <p>24 an uncertain environment for a lot of people. So</p> <p>25 whether they're speaking to science, I don't know,</p>

<p style="text-align: right;">Page 77</p> <p>1 but I do know that it has been documented and 2 published that they -- yes, that they have changed 3 definitions that were held for 100 years at least 4 about "herd immunity," so -- 5 Q So whether it was -- 6 A -- the short answer is yes. 7 Q You mentioned that -- 8 A So the short of that is to say -- and just 9 because I'm aware that the World Health Organization 10 says that, doesn't mean -- it doesn't mean that I'm 11 going to trust their definition over my own 12 physician. 13 Q Sure. Okay. You mentioned that the FDA 14 has not -- has approved the COVID vaccines through 15 emergency use -- excuse me, if I could talk, the FDA 16 has approved the COVID vaccine through emergency use 17 authorization; is that right? 18 A I did not state that, but that was the 19 implication, yes. 20 Q Okay. And you said that when I was asking 21 you about whether you were aware that the FDA has 22 not approved ivermectin for treating or preventing 23 COVID in humans. 24 A Correct. 25 Q So, in your mind, what causes you to feel</p>	<p style="text-align: right;">Page 78</p> <p>1 comfortable or safe taking ivermectin and knowing 2 that it, you know, believing that it will prevent 3 you from contracting COVID but causes you to be 4 concerned about the vaccines even though the FDA 5 hasn't, to your mind, fully approved, you know, 6 either of those in the COVID context? 7 A In the context of COVID? Okay. Because I 8 know of other -- I know of many studies that have 9 been done on ivermectin efficacy and COVID. Look, 10 I'm going to -- yeah. So there's been a lot of 11 studies done that the FDA did not reference in their 12 advice, and that the World Health Organization did 13 not reference in their advice. One of them -- those 14 studies were conducted in part with Eastern Virginia 15 Medical School, and I can tell you that some of 16 their -- the doctors who study there -- it's not 17 some, you know, you know, measly medical school in 18 the middle of nowhere. Some of the physicians that 19 had their residencies there now treat at Walter 20 Reed, which is where the president goes for their -- 21 and the vice president and other high level 22 officials go for medical treatment. So, yeah, 23 people know what they're doing at that school, so I 24 have good reason to -- to trust that study. 25 Q Do you know whether they've performed any</p>
<p style="text-align: right;">Page 79</p> <p>1 studies on the COVID vaccine? 2 A Not aware of that, no. 3 Q Have you reviewed any studies that the 4 medical community has performed on the COVID 5 vaccine? 6 A I am. I'm just -- I don't have specific 7 ones in mind right at this moment. 8 Q Okay. But you have looked at those at 9 some point, some studies? 10 A Briefly, yeah. 11 Q Okay. 12 A There's a lot of information coming out 13 all the time as you know. 14 Q That's true. If we look at paragraph 192 15 -- 16 A Can I add to my answer because you were 17 asking in the context of COVID. In the context 18 of -- in the context of medical treatment in 19 general, ivermectin has been around a long time, and 20 it won the Nobel Prize as an effective drug, and it 21 has very minimal side effects. I don't notice when 22 I take it, which is -- yeah. 23 Q Okay. 24 A So, yeah. I think we need -- I think 25 that's important to recognize relative to the</p>	<p style="text-align: right;">Page 80</p> <p>1 vaccine. Ivermectin has been around a lot, lot 2 longer. 3 Q Okay. I want to look back at Exhibit 2 in 4 paragraph 192. 5 A Okay. 6 Q At the end of that paragraph -- well, we 7 can say it -- it refers to you objecting to extra 8 requirements of masks and testing. Do you see that? 9 A Yes. 10 Q And we talked about that earlier. 11 A Yes. 12 Q And one of the reasons that it says that 13 you object is the extremely minimal risk of severe 14 complications or death from COVID to somebody in 15 your age group. 16 A Yes. 17 Q Do you see that? 18 A Uh-huh. 19 Q What do you consider to be your age group? 20 A You could say 30 to 40. 21 Q Okay. 22 A I guess. 23 Q Yeah. Whatever you -- I just wanted to 24 understand what you meant, so there's no right 25 answer. It's just, you know, when you're thinking</p>

<p style="text-align: right;">Page 81</p> <p>1 about what you -- what you verified here, what age</p> <p>2 group did you have in mind?</p> <p>3 A That was -- we did not discuss a</p> <p>4 particular range, so I -- I did not have anything in</p> <p>5 mind.</p> <p>6 Q Okay.</p> <p>7 A Not at the time. And I -- we should</p> <p>8 probably -- we should go with that.</p> <p>9 Q Okay.</p> <p>10 A Because, like I said, 30 to 40, I was -- I</p> <p>11 was guessing now, but honestly we didn't talk about</p> <p>12 that.</p> <p>13 Q Okay.</p> <p>14 A That was ...</p> <p>15 Q So when you're thinking about the minimal</p> <p>16 risk of severe complications or death to a</p> <p>17 particular age group, what did you have in mind with</p> <p>18 this sentence?</p> <p>19 A Well, in my -- okay. In mind, I think of</p> <p>20 age group really broadly because it's known that</p> <p>21 COVID tends not to be deathly for someone -- sorry.</p> <p>22 I'm thinking out loud. I was thinking, like, my age</p> <p>23 group as anywhere from zero to, like, 70.</p> <p>24 Q Okay.</p> <p>25 A Just because the risks of dying from COVID</p>	<p style="text-align: right;">Page 82</p> <p>1 or even being hospitalized now are so low for most</p> <p>2 of the people in this world. It's really the</p> <p>3 geriatric population and comorbidities and obesity.</p> <p>4 No one talks about the obesity component, but my</p> <p>5 economist friends wrote about the statistics on</p> <p>6 that. A lot of people who have died from COVID were</p> <p>7 obese, and clearly I'm not, and a lot of people in</p> <p>8 my age group at IU anyways are pretty healthy, so</p> <p>9 ...</p> <p>10 Q Are you aware that there are individuals</p> <p>11 between the ages of 20 and 40 who have had to be</p> <p>12 hospitalized for COVID?</p> <p>13 A Yes.</p> <p>14 Q And are you aware that there have been</p> <p>15 individuals between the ages of 20 and 40 who have</p> <p>16 died from COVID?</p> <p>17 A I can't answer that specifically. My</p> <p>18 assumption is that someone in -- at least one person</p> <p>19 in every age group has died from COVID. That's my</p> <p>20 assumption.</p> <p>21 Q Okay.</p> <p>22 A I can't back -- but it's as hearsay is my</p> <p>23 knowledge that students have -- were not granted</p> <p>24 their religious exemption from IU.</p> <p>25 Q Right. So you just don't know one way or</p>
<p style="text-align: right;">Page 83</p> <p>1 the other whether --</p> <p>2 A No.</p> <p>3 Q -- anyone between the ages of 20 and 40</p> <p>4 has died from COVID?</p> <p>5 A Not factually, no.</p> <p>6 Q Okay. And that's just fine.</p> <p>7 A That's a good thing, I guess. It means my</p> <p>8 friends are all still here, right?</p> <p>9 Q Yes. That's true. That is good. That's</p> <p>10 great. This paragraph refers to your objections to</p> <p>11 the masking and testing requirements, and it talks</p> <p>12 about how you have an objection for the reasons that</p> <p>13 we just talked about, and because they're</p> <p>14 unreasonable, and do you have any other objections</p> <p>15 to the masking and testing requirements besides the</p> <p>16 unreasonableness and the minimal risk of</p> <p>17 complications listed here?</p> <p>18 A Do I have -- sorry. Can you state that</p> <p>19 one more time?</p> <p>20 Q Sure. Besides the objections that are</p> <p>21 listed here that you believe the masking and testing</p> <p>22 requirements be unreasonable and that there is</p> <p>23 minimal risks from COVID for people in your age</p> <p>24 group, do you have any other objections to the</p> <p>25 masking and testing requirements?</p>	<p style="text-align: right;">Page 84</p> <p>1 A Yes, I do.</p> <p>2 Q Are they objections that we've talked</p> <p>3 about today or are they other objections?</p> <p>4 A They are objections that we've talked</p> <p>5 about today. It's about the culture that goes along</p> <p>6 with those tests -- masking and testing mandates.</p> <p>7 The culture of, you know, students -- I mean, IU has</p> <p>8 set up a -- has a -- has a form that you can fill</p> <p>9 out if you find someone in noncompliance. Yes, I</p> <p>10 have an objection based to the mandate itself, to</p> <p>11 the fact that it -- that there's severe punitive --</p> <p>12 punitive consequences attached to violating this</p> <p>13 mandate. I object to the -- I mentioned the</p> <p>14 culture, the culture of fear of tattle-telling on</p> <p>15 other people. It has changed campus life. We do --</p> <p>16 students do not trust each other like they used to</p> <p>17 which is unfortunate. I also object to the fact</p> <p>18 that such a culture has created an environment where</p> <p>19 people feel free to ask each other if they've gotten</p> <p>20 the vaccine which is private medical information. I</p> <p>21 object to -- yeah. I have a lot of objections</p> <p>22 wrapped up into that one.</p> <p>23 Q Okay. Do you have any religious objection</p> <p>24 to masking?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 85</p> <p>1 Q What is that?</p> <p>2 MS. SIEBERT: Objection. You're asking</p> <p>3 about her specific religious beliefs. That's beyond</p> <p>4 the constitutional bounds of what you can ask.</p> <p>5 MS. GUTWEIN: Are you instructing her not</p> <p>6 to answer, Melena?</p> <p>7 MS. SIEBERT: I am.</p> <p>8 Q (BY MS. GUTWEIN) Why didn't you include</p> <p>9 your religious objections when you listed your other</p> <p>10 objections here to masking?</p> <p>11 A I'm sorry. Can you -- can you -- when you</p> <p>12 say, "here," that's the part I'm not sure about.</p> <p>13 What do you mean?</p> <p>14 Q Sure. In paragraph 192.</p> <p>15 A Okay. So you're referring to the written,</p> <p>16 not the spoken?</p> <p>17 Q Yes.</p> <p>18 A I actually want to take a moment just to</p> <p>19 look through my comments, if that's okay.</p> <p>20 Q Sure.</p> <p>21 A Because I do -- yeah. I want to look for</p> <p>22 a moment. Okay. My statement reflects my general</p> <p>23 position, which is that I prefer to speak of my</p> <p>24 objection -- even though I have religious</p> <p>25 objections, I still prefer to speak of my objection</p>	<p style="text-align: right;">Page 86</p> <p>1 in terms -- in medical terms.</p> <p>2 Q Did you have a sincerely held religious</p> <p>3 objection to masking over the last school year?</p> <p>4 A Yes.</p> <p>5 Q Do you have a sincerely held religious</p> <p>6 objection to testing?</p> <p>7 A Yes.</p> <p>8 Q Did you have that objection over the last</p> <p>9 school year?</p> <p>10 A Yes.</p> <p>11 Q So is it correct that you've had a</p> <p>12 sincerely held religious objection to masking even</p> <p>13 when you've been at home in Tulsa and opted to wear</p> <p>14 a mask?</p> <p>15 A Yes.</p> <p>16 Q Okay. If the court --</p> <p>17 A And where allowed -- where allowed, I</p> <p>18 would not wear a mask.</p> <p>19 Q Sure. Okay. If the court were to decide</p> <p>20 that IU can maintain its policies that you're</p> <p>21 challenging, what will you do for the fall 2021</p> <p>22 semester?</p> <p>23 A I prefer to cross that bridge when I --</p> <p>24 after hearing the court's decision.</p> <p>25 Q So is your testimony that you don't know</p>
<p style="text-align: right;">Page 87</p> <p>1 what you will do if the court allows IU to continue</p> <p>2 with its policies?</p> <p>3 A Yes. Wait a minute. I'm sorry. What was</p> <p>4 your question?</p> <p>5 Q I asked you what you will do if the court</p> <p>6 allows IU to continue with its policies.</p> <p>7 A Uh-huh.</p> <p>8 Q And you said you'd rather cross that</p> <p>9 bridge once the court has issued its opinion.</p> <p>10 A Uh-huh.</p> <p>11 Q So I'm asking, does that mean you don't</p> <p>12 know what you will do if IU can continue with its</p> <p>13 COVID policies?</p> <p>14 A Not concretely, no.</p> <p>15 Q Is it possible that you will decide to</p> <p>16 continue studying at IU even if you have to wear a</p> <p>17 mask and participate in testing in the fall?</p> <p>18 A It is possible, but only -- only because</p> <p>19 I've sunk seven years into this degree. I cannot</p> <p>20 just transfer to another school and pick up where I</p> <p>21 started -- pick up where I left off. Doctoral</p> <p>22 programs do not work that way.</p> <p>23 Q And I commend you for all of the work that</p> <p>24 you've done. That is real commitment.</p> <p>25 A Thank you.</p>	<p style="text-align: right;">Page 88</p> <p>1 Q Yeah.</p> <p>2 A Yeah. I'm a year away from being able to</p> <p>3 conduct the rest of my research away from campus,</p> <p>4 so, yeah.</p> <p>5 Q You see the light at the end of the</p> <p>6 tunnel?</p> <p>7 A It's getting closer.</p> <p>8 MS. GUTWEIN: Yeah. Melena, I think I</p> <p>9 have no further questions.</p> <p>10 MS. SIEBERT: Thanks, Stephanie.</p> <p>11 CROSS-EXAMINATION</p> <p>12 BY MS. SIEBERT:</p> <p>13 Q Jaime, I just have a couple of just</p> <p>14 follow-up questions, and I was a band geek, but I</p> <p>15 twirled a flag, so I don't -- my musical talent is</p> <p>16 limited to that.</p> <p>17 A How fun.</p> <p>18 Q So I'm going to base some music questions</p> <p>19 here on probably some stupidity honestly about it,</p> <p>20 but I know you mentioned that one of the effects,</p> <p>21 harms, that you -- you testified that one of the</p> <p>22 harms you felt from having to wear the mask was that</p> <p>23 it was hard to breathe; is that correct?</p> <p>24 A Yes. Absolutely.</p> <p>25 Q Is that especially true when you're</p>

<p style="text-align: right;">Page 89</p> <p>1 playing the organ?</p> <p>2 A Yes.</p> <p>3 Q Okay.</p> <p>4 A I had a professor -- my professor -- one</p> <p>5 of my professors gave a recital in March, and she</p> <p>6 had asked if she could perform it without wearing</p> <p>7 the mask, and she was told no even though she was</p> <p>8 the only person in the room other than the sound guy</p> <p>9 who came in every so often. And so we all watched</p> <p>10 it live stream, and she told me she was struggling</p> <p>11 to breathe, and you could see that her glasses were</p> <p>12 fogging up. So, yes, it was a hardship for her, and</p> <p>13 I can see that. Like, I already have a struggle,</p> <p>14 you know, a struggle with it, yes. I'm not -- I</p> <p>15 don't want to have to give my recital under those</p> <p>16 conditions. Other people at IU don't have to wear</p> <p>17 masks when they perform. Football -- football --</p> <p>18 excuse me, basketball players aren't doing it. I</p> <p>19 don't see why musicians have to. We are -- the</p> <p>20 organ loft is feet, feet away from other people in</p> <p>21 the room, and we don't even fill, like, the concert</p> <p>22 hall to capacity. Sorry. That's a long answer to</p> <p>23 your question, but --</p> <p>24 Q No. I learned a lot about organ playing</p> <p>25 quite honestly there. So I just, you know, I can</p>	<p style="text-align: right;">Page 90</p> <p>1 envision -- you know, my husband was a trumpet</p> <p>2 player, so I can envision how it would be hard, you</p> <p>3 know, that breath and so forth is more intricate and</p> <p>4 involved with that kind of music playing, but I was</p> <p>5 just wondering how that impacted organ playing, so</p> <p>6 to speak.</p> <p>7 A Yes. Organ playing -- we don't think of</p> <p>8 musicians as being athletes, but we definitely are.</p> <p>9 Q Yeah.</p> <p>10 A An organist especially because we use our</p> <p>11 whole body. We play with our feet, too, so we're</p> <p>12 using all of our extremities to be very precise.</p> <p>13 Yeah.</p> <p>14 Q So is it --</p> <p>15 A So the precision again is part of the</p> <p>16 culture of music now, and that can create extra</p> <p>17 stress which impacts everything, your cortisol</p> <p>18 response, your heart rate, your breathing, yeah.</p> <p>19 Q Okay. So is it fair, then, to say that if</p> <p>20 you are required to wear a mask in the fall during</p> <p>21 your recitals and any other organ practicing or</p> <p>22 whatever that you're doing on campus, that that</p> <p>23 would impact your education negatively?</p> <p>24 MS. GUTWEIN: Objection. Leading.</p> <p>25 Q (BY MS. SIEBERT) How would it impact your</p>
<p style="text-align: right;">Page 91</p> <p>1 education to wear a mask in the fall?</p> <p>2 THE REPORTER: I'm sorry. Was there an</p> <p>3 answer to the previous question?</p> <p>4 THE WITNESS: No.</p> <p>5 MS. SIEBERT: Sorry, Luke. We got ahead</p> <p>6 of you, there. No. I believe -- Stephanie, do you</p> <p>7 want to repeat your objection just so we can clarify</p> <p>8 for Luke? Sorry.</p> <p>9 MS. GUTWEIN: That's okay. For the</p> <p>10 question that was unanswered, Luke, my objection was</p> <p>11 leading.</p> <p>12 Q (BY MS. SIEBERT) Okay. And, Jaime, I'd</p> <p>13 like to rephrase that. So can you tell me what kind</p> <p>14 of impact you think having a mask would have on your</p> <p>15 education this next year?</p> <p>16 A Okay. On my education?</p> <p>17 Q Yes.</p> <p>18 A Having a mask would -- it would cause</p> <p>19 physical harm in highly -- in high performance</p> <p>20 situations by limiting the amount of oxygen I can</p> <p>21 take in, especially during performances when -- when</p> <p>22 I need as much oxygen as possible to perform at my</p> <p>23 very best. I actually -- I saw my professor's</p> <p>24 recital. She made more mistakes than she ever does.</p> <p>25 She's a very precise person, and I'm concerned</p>	<p style="text-align: right;">Page 92</p> <p>1 that -- and I'm concerned that that could happen to</p> <p>2 me as well simply because I can't get the oxygen I</p> <p>3 need to function properly at the level that Jacobs</p> <p>4 requires. It's one of the best music schools in the</p> <p>5 world. So -- so their standards are -- so they have</p> <p>6 very high standards.</p> <p>7 Q Jaime, just curious. What do you want to</p> <p>8 do with your -- your degrees, your Ph.D. and your</p> <p>9 doctorate, after? Do you want to teach or perform</p> <p>10 or what do you want to do?</p> <p>11 A Probably a combination of those things.</p> <p>12 Perhaps also work in the music industry since I'm</p> <p>13 very interested in music ownership.</p> <p>14 MS. SIEBERT: Very cool. I have no</p> <p>15 musical talent, so I'm impressed. So that's it for</p> <p>16 me.</p> <p>17 MS. GUTWEIN: I have no further questions.</p> <p>18 THE REPORTER: Does the witness want to</p> <p>19 read and sign?</p> <p>20 MS. SIEBERT: Yes, please.</p> <p>21 MS. GUTWEIN: Can we go off the record?</p> <p>22 THE REPORTER: We are off the record.</p> <p>23 (Deposition concluded at 2:55 p.m. CST)</p> <p>24</p> <p>25</p>

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1 JURAT
 2 KLAASEN, ET AL. VS. TRUSTEES OF INDIANA UNIVERSITY
 3 I, Jaime Carini, do hereby state under
 4 oath that I have read the above and foregoing
 5 deposition in its entirety and that the same is a
 6 full, true and correct transcription of my testimony
 7 so given at said time and place.

8
 9
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 11 _____
 12 Signature of Witness

13
 14 Subscribed and sworn to before me, the
 15 undersigned Notary Public in and for the State of
 16 _____ by said witness, Jaime Carini, on this
 17 _____ day of _____, 2021.

18
 19
 20
 21 _____
 22 NOTARY PUBLIC

23 MY COMMISSION EXPIRES: _____

24 JOB FILE #151678
 25

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1 ERRATA SHEET
 2 KLAASEN, ET AL. VS. TRUSTEES OF INDIANA UNIVERSITY
 3 DEPOSITION OF JAIME CARINI
 4 REPORTED BY: D. LUKE EPPS, CSR, RPR
 5 DATE DEPOSITION TAKEN: JUNE 1, 2021
 6 JOB FILE NO. 151678

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1 CERTIFICATE
 2
 3 I, D. Luke Epps, Registered Professional
 4 Reporter, and Certified Shorthand Reporter, do
 5 hereby certify that prior to the commencement of the
 6 examination, Jaime Carini was duly remotely sworn by
 7 me to testify to the truth, the whole truth and
 8 nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing is
 10 a verbatim transcript of the testimony as taken
 11 stenographically by me at the time, place and on the
 12 date hereinbefore set forth, to the best of my
 13 ability.

14 I DO FURTHER CERTIFY that I am neither a
 15 relative nor employee nor attorney nor counsel of
 16 any of the parties to this action, and that I am
 17 neither a relative nor employee of such attorney or
 18 counsel, and that I am not financially interested in
 19 the action.

20
 21
 22
 23 _____
 24 D. Luke Epps, CSR, RPR
 25 Dated: June 8, 2021